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ABSTRACT

A research project was conducted to compile a profile of women employed in corrections. More specifically, the study was designed to identify the corrections occupations in which women are working as well as the factors affecting the recruitment, placement, and advancement of women in the field. The research was accomplished in two stages. First, an employment profile of women in corrections occupations was developed using data supplied by the Equal Employment Opportunity Commission and other supplementary sources. Next, questionnaires were administered to 362 women and 145 men employed in 59 state and local correctional agencies in Maryland, Michigan, and South Carolina. According to both these data sources, women are underrepresented in corrections in comparison to their participation in the employed civilian labor force. Furthermore, women employed in corrections tend to be concentrated in clerical and support staff positions. The career aspirations of the women interviewed were not as high as those of the men interviewed. Some evidence exists that organizational barriers may affect aspirations and, thereby, further contribute to occupational segregation. Finally, a major obstacle to increasing the percentage of women in the corrections field is the unresolved conflict between employment rights of women on the one hand and inmate privacy rights and an institution's security on the other. (MN)

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WOMEN EMPLOYED IN CORRECTIONS

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February 1983

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James K. Stewart

Director

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EXECUTIVE SUMMARY

Probably no part of our society has been so exclusively a male domain as the criminal justice system. The criminal law has been codified by male legislators, enforced by male police officers, interpreted by male judges. Rehabilitation programs have been managed by men, primarily for men.*

The "tradition" of male dominance has been as characteristic of the corrections field as it has of the rest of the criminal justice system. In no area is that dominance more apparent than in the area of employment. It was not until the equal rights legislation of the 1960's and 70's that inroads were made in providing women with a range of employment opportunities in the corrections field. Title VII of the Civil Rights Act of 1964 and the Crime Control Act of 1976 have put to rest the question of whether to bring women into the corrections labor force; at issue now is how to effectively alter traditional personnel practices and prevailing attitudes to insure equality of opportunity.

PURPOSE AND SCOPE OF THE STUDY

This report is a first step in the effort to understand the factors that have limited the role women have in corrections and to develop a sound basis for attempts to broaden their participation in the field. The specific objectives of the research project on which this report is based were (1) to determine where and in what occupations in corrections women are working; (2) to identify and explore the factors which affect the recruitment, placement, and advancement of women in the field; (3) to provide direction for future inquiries into the structural conditions and social processes that contribute to and shape the employment patterns of women in the corrections labor force.

RESEARCH PROCEDURES

Indicative of the problem addressed in this study is the fact that even in a field which has long been a favorite of social scientists, there are no empirical studies on women employed in corrections systems. As a consequence, it was necessary to employ a developmental research strategy which relied on multiple methods of data collection and analysis appropriate to the objectives of the study.

* R.R. Price, The Forgotten Female Offender, CRIME AND DELINQUENCY, 1977, V. 23, pp. 101-102.

The research was designed to be accomplished in two stages. The first stage was devoted to developing an employment profile of women in corrections occupations. A quantitative analysis of Equal Employment Opportunity Commission EEO-4 data for 1973 and 1979 provided the basis for a profile, over time, of women employed in state and local corrections agencies. Supplemental data available from other sources regarding the employment of women in specific areas of corrections allowed for expansion and corroboration of the basic data. In addition, an extensive study was made of the legal issues that have helped to shape the employment patterns of women in the field in general, and in those areas in which women work with male clients in particular.

The second major phase of the study involved the collection of primary data in three states: Maryland, which served as a test site for the research instruments and procedures, Michigan, and South Carolina. Three hundred sixty-two women and 145 men employed in 59 state and local corrections agencies participated in the study. Questionnaires were administered to all participants and interviews were conducted with a subsample of the women. Information was obtained regarding personal and background characteristics, occupation and salary, reasons for choosing corrections employment, and such work-related experiences as number of years in the field, training opportunities, and the amount of recognition and/or encouragement received. In addition, the participants were asked to indicate what they found "attractive" and "unattractive" about their work environment, their career goals in corrections, and their perceptions of the equality of opportunity in the field. Data from the questionnaires were analyzed to provide a general description of the employment-related differences between the women and men in the study and to generate a description model of the mobility patterns and career paths of the women and men in Michigan and South Carolina.

MAJOR HIGHLIGHTS OF THE REPORT

Employment Profile of Women in Corrections

1. Women are "underrepresented" in corrections in comparison to their participation in the employed civilian labor force. In 1973, according to the Bureau of Labor Statistics, women constituted 38.4 percent of the employed civilian labor force, and, by 1979, the figure had risen to 41.7 percent. More important, however, is the fact that women accounted for nearly 64 percent of the increase in the employed civilian labor force.

By contrast, data gathered by the Equal Employment Opportunity Commission showed that in 1973 only 26.9 percent of a reported 146,914 corrections employees were women. By 1979, there had been a 42.0 percent increase in the number of women but they still represented only 29.3 percent of the reported corrections labor force. In addition, in comparison with the above-mentioned 64 percent increase for women in the employed civilian labor force, the increase in the number of women employees accounted for only 37.1 percent of the overall growth in corrections employment.

2. Women employed in corrections tend to be concentrated in clerical and support staff positions. The segregation of occupations by sex is a characteristic of the employed civilian labor force that has received a great deal of attention in recent months. Of the 40.4 million women employed in 1979,

26.9 million--67 percent--worked in just slightly over one-fourth of the occupations listed by the Bureau of Labor Statistics. It is not surprising, therefore, that in such a predominantly male field as corrections, women should be concentrated in those occupations that are traditionally female.

Of the seven occupational categories used by the Equal Employment Opportunity Commission in reporting its survey findings, women were "over equity," or over 26.9 percent, only among paraprofessional, clerical, and service/maintenance employees in 1973. Approximately 65 percent of all women employees were working in one of those areas as compared with only 20 percent of the men. The same concentration of women was evident in 1979, although the percentage of all women employees in those categories had dropped to 55 percent as compared with 18 percent of the men. That drop was undoubtedly due to the 19.3 percent decrease in the number of women employees listed as paraprofessionals.

Between 1973 and 1979, an additional 14,087 corrections employees were reported to be in professional positions, and women accounted for 40.5 percent of the increase. While in 1973 women were 22.6 percent of all employees in that category, by 1979 they constituted 28.1 percent of such employees. A somewhat similar pattern can be seen in the increases that occurred in the technician job category. Of the 2,552 additional employees reported in technician positions between 1973 and 1979, 35.0 percent were women. In effect, in 1979, women accounted for 22.4 percent of those employees as compared with only 16.2 percent in 1973.

While the increased participation of women in professional and technical occupations was apparent, the data indicated that women remained virtually excluded from the job categories in corrections that provide the greatest potential for career advancement, namely, positions in protective services. In 1973 and again in 1979, men dominated the protective service occupations to almost the same degree that women dominated the clerical field. Men were 90.8 percent of all employees in protective services positions in 1973 while women made up only 9.2 percent. By 1979, men still accounted for 87.3 percent of such employees compared with only 12.7 for women.

Over the six-year period covered by the present study, even positions as officials and administrators seemed to become more accessible to women than did protective service occupations. In 1973, women constituted only 11 percent of all officials and administrators while by 1979 they accounted for 14.9 percent. On the other hand, the percentage of all women employed in corrections who were working in those positions declined slightly from 2 percent to 1.8 percent.

3. To the extent that women work in direct contact with clients, they work with female and juvenile offenders. Analysis of the EEO-4 survey data indicated that approximately 58.1 percent of all the women employed in corrections in 1979 were providing supportive services and only 41.9 percent were working in occupations that involved "client contact."

That imbalance appears related to the fact that the majority of women who are administrators, professionals, or protective service workers are among the relatively small number of corrections employees who work with female and

juvenile offenders. Based on 1977 employment data, only 2.7 percent of all state corrections employees worked in institutions for women, while an additional 19.7 percent worked in juvenile facilities.

The National Manpower Survey of the Criminal Justice System noted that, in 1973, 33.7 percent of custodial personnel in juvenile facilities were women as compared with only 7.5 percent in adult institutions, and that, in 1975, women accounted for 13 percent of the administrators of juvenile facilities and only 8 percent of the administrators in both adult correctional institutions and parole and probation agencies. The American Correctional Association Directory for 1979 contained a summary of personnel statistics, reported as of September 1, 1978, for 17 states. The figures indicated that the percentage of women employed in state juvenile systems was consistently higher than the percentage of women in adult corrections systems. The data also showed that of the 16,945 women employed in corrections in those 17 states, about 50.2 percent worked in juvenile systems and 49.8 percent in adult systems; comparable figures for male employees indicated that only 27 percent worked in juvenile systems while 73 percent were in adult systems.

Statistical data on the employment of women in other than institutional settings are virtually nonexistent. For example, the most recent figures on the number of women in probation work date from a 1974 survey by Schoonmaker and Brooks. At that time, based on data from 43 states, 18 percent of those employed in probation were women. Unfortunately, there are no comparable figures for parole officers. It seems safe to suggest, however, that in view of the fact that all 50 states now allow cross-sex supervision of clients, the percentage of women employed in that field has increased substantially.

Some indication of the employment patterns for women in administrative agencies can be derived from the 1975 survey conducted by the Law Enforcement Assistance Administration Task Force on Women. According to that report, 46 percent of LEAA employees were women. The report went on to note, however, "that LEAA can count no executive level women employees, no women in grades 16 through 18, only two GS-15's out of a total of 66, only 13 GS-14's out of 115, and only 21 GS-13's out of 127." Thus, it is clear that women employed by LEAA were not primarily in professional positions.

Field Study Findings

The findings summarized in this section derive from analyses of data collected in the field studies conducted in Maryland, Michigan, and South Carolina. The limitations of those studies do not permit generalized conclusions about employment patterns of women in corrections. They do, however, provide some valuable insights and can be used to identify the direction for future research.

1. The women and men participants came to corrections by somewhat different pathways and with different expectations. Among the participants in the study, it was clear that corrections employment did not constitute a "first career." A majority of women and men reported that they had been employed in private industry or other governmental agencies prior to coming to corrections. The men, however, were more likely than the women to indicate that the movement into the field had been a matter of specific choice. Many

women, in fact, reported "surprise" at being contacted for a job interview, particularly if the position involved was that of correctional officer.

The reasons cited by women for taking a position in the field differed from those of men in that "new/improved career opportunities" ranked higher than did "interest in corrections/desire to work in the field" as a major reason. In addition, the women were far more likely than the men to indicate that "good salary" was one of the most important motivating factors.

2. The women were more likely than the men to perceive that they have less equality in various aspects of corrections employment. The responses of the women to a series of statements dealing with different aspects of equality indicated that, particularly in the areas of hiring and promotion, there was a strong perception that women receive less than equal consideration. Even in such promotion-related areas as the support of a "mentor" and recognition for excellence in work performance, women tended to see themselves at a disadvantage. Only in relation to job-enrichment training and in salaries did two-thirds or more of the women indicate equality of treatment. To the extent that men respondents shared the perceptions of the women, it was in regard to hiring policies both at the entry level and for "higher level" positions.

3. The most striking contrasts between the women and men were in the manner and degree to which they were integrated into the organization. Although the sampling procedures used in the studies favored the selection of women in nonclerical positions, it was still quite clear that the women were dominant in support staff positions while the men dominated among administrative and security positions. To the extent that women were in nonclerical jobs, it was as professionals. Given those differences in occupation, it was not surprising that the data showed important differences in annual salaries and the amount of formal training received, whether it be initial training, job-enrichment, or promotion-oriented training. It is important to note, however, that those differences did not disappear when the data were controlled for occupational category. The women received less in annual salary and less formal training than their male counterparts. In addition, the data indicated that the women were less likely than the men to have received recognition for their work or encouragement to move to higher positions.

4. Differences between the women and men in organizational experiences were reflected in differences in career goals and in job satisfaction. Although the women and men were almost as likely to indicate that they intended to remain in corrections, the career aspirations of women were not as high as those of men. While the men tended to aspire to administrative positions, women were more likely to set their sights on supervisory positions within their present job categories or on middle-management positions. This is of particular interest in view of the importance given by women to "new/improved career opportunities" as a reason for taking a position in corrections.

Both women and men cited the "diversity/challenge of the work" as the most "attractive" aspect of their positions and the amount of work they must handle as the most "unattractive" aspect. There were, however, important if subtle differences with regard to other aspects of job satisfaction. Women, for example, were less likely than men to cite "relationships with coworkers"

and "relationships with supervisors" as "attractive" aspects. In fact, women were more likely to find those relationships "unattractive."

5. Analysis of occupational segregation must consider organizational factors as well as individual attributes. Data collected in the field studies revealed that men monopolized administrative positions and women were clustered in support staff occupations. To arrive at some understanding of the factors that may contribute to that segregated pattern, a model was developed to illustrate the social process of mobility and job attainment. The model combines structural factors, i.e., seniority, entry-level job, training, and recognition, and individual attributes of sex and education. For purposes of the data analysis, mobility is defined as movement between levels of authority with the focus on movement from lower levels of authority to upper levels. The model also recognizes that mobility is only one way to achieve upper levels of authority; it is possible to enter directly into such positions.

6. Upward mobility through the ranks tends to be strongly influenced by organizational factors. Seniority, training, and recognition for work performance, as well as level of entry, are important factors in upward mobility. The organizational variable most highly correlated with mobility is seniority. The data also indicated that the women did not receive training or recognition for work performance on an equal basis with the men. The lack of training limits ability to qualify for certain jobs and the lack of recognition may well lessen the motivation to seek additional responsibilities.

Also an important factor in upward mobility is the level of the entry position. While level of mobility is negatively related to level of occupation, it is clear that those who enter at the lowest level of authority need more mobility to attain upper levels of authority. The data showed, however, that women, who were more likely than men to have entered at the lowest level of authority, did not experience the same rate of mobility as men. In addition, it should be noted that although participants who entered at the middle level of authority were more likely to have moved to the upper level, that was more often the case for men than for women. To the extent that women did experience mobility, the most common path was from low- to middle-level authority.

7. Individual characteristics tend to assume more importance in the actual attainment of upper level authority positions than they have in upward mobility. The data indicated that among the participants in upper levels of authority, approximately one-third were hired directly into those positions. As a result, organizational factors included in the model were found to be somewhat less relevant in the actual attainment of upper level positions, and individual attributes took on more importance. People who were hired directly into those positions tended to have a higher level of education than those who worked their way up through the organization. Thus, education may act as a substitute for such other prerequisites as seniority. In addition, the data showed that although more men than women were in upper level positions, women were more likely than men to have entered those jobs by being hired directly into them. In both South Carolina and Michigan, that was the case for over half of the women as compared with less than one-fourth of the men. Thus, it would seem that being hired directly into an upper level position is a more likely career path for women who attain those positions than is upward mobility.

8. There is some evidence that organizational barriers may affect aspirations and thereby further contribute to occupational segregation. A number of researchers have noted lower levels of aspirations among women when compared with men and have concluded that individual choice determines occupational segregation and attainment. The position taken in the present study is that such a conclusion is an oversimplification. Organizational barriers undoubtedly affect the aspirations and attainment of both men and women, and data collected in the field studies showed women may be at a special disadvantage. A "perception of discrimination" score indicated that less than half of the participants reported "no discrimination" against women. The overall pattern was that respondents in upper level positions perceived less discrimination than those in middle and lower level positions and women, in general, perceived more discrimination than men. The perception of discrimination is important to the extent that it may constrain aspirations. Other studies have indicated that aspirations as well as level of commitment are lessened when individuals are in organizations with real or perceived limited opportunities.

Legal Aspects of the Employment of Women in Corrections

It is unlikely that the status of women in the field will change significantly until they are no longer "unique." To a great extent that will depend on the resolution of two issues: the elimination of the differential impact of organizational factors on women and men, and the elimination of the legal barriers to the employment of women in corrections.

1. Legal aids to eliminate sex discrimination are not being used by women in corrections. Over the past two decades a number of legal tools have been developed to overcome sex discrimination in employment. The most important of those is Title VII of the Civil Rights Act of 1964. In addition, sex discrimination cases that involve state and local governments, as do those charging discrimination by corrections systems, can be brought under the equal protection clause of the fourteenth amendment of the United States Constitution. There are other federal statutes under which sex discrimination suits may be brought, and federal agencies that determine how government funds will be distributed are required by law to deny funding to institutions practicing sex discrimination. A number of states also have constitutional or statutory prohibitions against sex discrimination.

Although there are means for combating discrimination and strong evidence to suggest discrimination exists in corrections systems, it does not appear that those affected are using the avenues available. For example, the Department of Justice, which is responsible for enforcement of the sex discrimination provisions of the Crime Control Act and the Revenue Sharing Act as well as government court actions in Title VII cases, reports that from 1972 to April of 1980, only 21 sex discrimination cases were brought against departments of corrections, and only 46 cases were brought against sheriff departments. To assume that complaints are all handled successfully within systems is not supported by the findings of the present study.

2. Veteran's preference statutes work to the disadvantage of women seeking civil service employment, including positions in the corrections field. From 1948, when permanent women's branches of the armed forces were established,

to 1967, the number of women was limited by statute to 2 percent of the total enlisted strength. By 1975, eight years after the quota was lifted, the percentage of women in the armed forces had risen to only 4 percent. Veteran's preference statutes that give an advantage to veterans in attaining civil service positions have, therefore, a negative impact on similar employment opportunities for women. In the Personnel Administrator of Massachusetts v. Feeney case, the U.S. Supreme Court acknowledged that veteran's preference statutes have a disparate impact on women. However, it held that those statutes did not violate the equal protection clause of the fourteenth amendment since they were not enacted with the intent to discriminate against women. At present most of the efforts to change veteran's preference statutes are being redirected at urging Congress to enact legislative measures.

3. Despite judicial and administrative support for affirmative action plans, the status of state and local plans that affect women, including those employed in corrections, remains unclear. Plans to remedy the effects of past discrimination were first instituted by the courts in response to lack of progress in desegregating public schools and were later adopted by the courts in response to proven discrimination in employment against blacks and/or women. Federal agencies also furthered or required the formulation of affirmative action plans by federal contractors and subcontractors. Very soon, however, employers found themselves in a difficult position. If their labor force consisted of a disproportionate number of white males, they were prime candidates for a Title VII employment discrimination suit or a cut-off of governmental contracts or funds. If, on the other hand, an employer decided to institute an affirmative action plan without court or agency action, he or she became vulnerable to a "reverse discrimination" suit. That problem has abated somewhat in light of affirmative action guidelines recently formulated by the Equal Employment Opportunity Commission. The agency will investigate all reverse discrimination charges, but if it is shown that an employer relied on the guidelines in forming an affirmative action plan, EEOC will not prosecute the claim and will issue an opinion that should protect the employer from suit. The status of affirmative action plans remains a problem, however, in that plans of public employers, unlike those of private employers, are still vulnerable to challenge under the equal protection clause of the fourteenth amendment.

4. A major obstacle to increasing the percentage of women in the corrections field is the unresolved conflict between employment rights of women on the one hand and inmate privacy rights and/or an institution's security on the other. One of the strongest traditions in corrections has been that offenders be supervised by members of the same sex, particularly in the case of incarcerated male offenders. Since approximately 95 percent of the incarcerated population is male, women have had limited access to protective service positions, which account for almost 40 percent of employment in the field. In view of the need to provide constant surveillance and the "open" construction of most male prisons, the argument has been that the employment of women as correctional officers (COs) is both a violation of the inmates' right to privacy and a threat to institutional security.

To date, the response of many courts to the clash of inmate privacy rights and/or institutional security with employment rights of COs has been to restrict opposite-sex COs to shifts or job assignments in which they will

not be required to perform duties that invade privacy or threaten security. While at least partially protecting all three interests, such an approach can create other problems. For example, same-sex COs with more seniority than opposite-sex COs may have to work the least desirable shifts and perform the least desirable tasks, which can lead to resentment and decreased employee morale. In addition, it may also lead to sex discrimination suits based on Title VII, on the equal protection clause of the fourteenth amendment, or on state ERAs.

Another approach adopted by some courts has been to create a bona fide occupational qualification (bfoq) for same-sex COs. While that solution is intended to insure both privacy rights and institutional security, it offers no employment protection for opposite-sex COs. That approach also, unfortunately, incorporates sex-stereotyping into the law when it is applied, as it was in Dothard v. Rawlinson, with no proof of a woman applicant's ability or lack of ability to maintain security.

As discussed earlier, the EEOC and other administrative agencies have attacked the employment rights problem by requiring the formation of affirmative action plans or remedial standards for the inclusion of women in all positions, such as CO positions, from which they have traditionally been excluded. While that approach offers the most positive protection for employment rights, it does not take into consideration the privacy or security issues.

Thus, all remedies currently employed by the courts and administrative agencies lead to employment problems or vulnerability to suit and only partially, if at all, protect the threatened rights and interests. Possible solutions include setting standards for the protection of inmates' privacy rights that apply equally to male and female COs, forming adequate self-defense training programs, and creating prison environments which provide all concerned with adequate protection from assault. While such solutions, in theory, maximize the protection offered to all rights and interests involved, they are long-term, not immediate, answers.

Recommendations

In the final chapter of the report, recommendations are made for directions to be taken in future research efforts and for programs that would expand opportunities for women in the field of corrections.

1. Research recommendations. A conceptual model, based on the findings of the present study and on research in occupational attainment and sex stratification, is offered as a framework for future research. The model focuses attention on three key aspects of attainment: income/salary, job level, and authority. In addition, the model suggests that (a) the process of occupational attainment occurs in systems that are developed and must operate within the context of broader economic, political, and legal constraints; (b) systems directly affect and are affected by the organizations within the systems and the characteristics individuals bring to those organizations, and (c) there are reciprocal relationships between organizational dimensions and individual characteristics. In short, the model suggests that the outcome of occupational attainment is determined by all those relationships and factors.

The following are representative of the research questions suggested:

- o What impact, if any, do different administrative structures have on the recruitment, placement, and attainment of women in corrections?
- o How does unionization in a corrections system affect the hiring and advancement of women?
- o To what extent do veteran's preference laws hinder affirmative action programs in corrections organizations?
- o Under what conditions are employment rights of women in opposition to male inmate privacy rights?
- o How does the attainment of women working with offenders in institutions differ from that of women working with offenders in non-institutional settings?
- o In what way do organizations with skewed sex ratios constitute a discriminatory environment?
- o What organizational practices--formal and informal--contribute to or constrain career commitment and aspirations of women?
- o How are ascribed and achieved characteristics related to occupational attainment of women compared with attainment of men?

2. Program recommendations. While additional research on women employed in corrections is clearly needed, it will not of itself add to the number of women or bring about their genuine integration into positions throughout organizational structures. The following are examples, briefly stated, of ways in which recruitment, retention, and advancement of women might be increased:

- o Establish dynamic recruitment/internship programs directed specifically to women in colleges and in other civil service agencies.
- o In all publications provide descriptions of work in the field of corrections that would attract the interest of women as well as men.
- o Provide support staff with the opportunity to participate in training programs such as those given for new corrections officers or new parole/probation officers.
- o Develop quality training programs for both men and women that focus on the development of cooperative work relationships. In addition, establish a sensitive employee grievance system in which mediation techniques are utilized.
- o Establish trainee positions as part of occupational career paths and encourage experienced support staff to apply for them.

- o Open all positions to qualified women. Of all the recommendations that can be made, none is more critical nor more germane to increasing the participation of women in the field. The California Supreme Court in Sail'er Inn, Inc. v Kirby, 5 Cal. 3d 1, 485 p. 2d 529 (1971), summarized well the position that must be taken in corrections and the larger world of work as well:

Laws and customs which disable women from full participation in the political, business and economic arenas are often characterized as "protective" and "beneficial." Those same laws and customs applied to racial and ethnic minorities would readily be recognized as invidious and impermissible. The pedestal upon which women have been placed has all too often, upon closer inspection, been revealed as a cage. We conclude that sexual classifications are properly treated as suspect, particularly when those classifications are made with respect to a fundamental interest such as employment.

CHAPTER 1. INTRODUCTION

Mary Judith smiles with quiet satisfaction as she reflects on her three years of experience as a correctional officer in a male institution.

My male coworkers are much more tolerant of me now--I can't say they really accept me, but they do tolerate me. In fact some of them can even kid about the fact that I was the first woman to work here; they tell me, "If you hadn't done such a good job when you first came here, we wouldn't have to put up with all these other women now."

Connie works several miles away in the heart of the city as a parole officer. She manages a caseload of about 80 clients, 90 percent of whom are men.

Any woman who wants to make a career for herself in corrections has to work twice as hard as her male counterparts and she has to have a lot of self-confidence and a great deal of patience. I mean, like in my case, I'm very good at what I do and I know I'm good. If I had to depend on my supervisor for a pat on the back to keep going, I'd have fallen by the wayside a long time ago. And I've been patient because I know you have to pay your dues in this business, but within another year or two I expect to be a field supervisor--or else....

Two years ago Irene was offered a position as an assistant to a department chief on an "experimental basis."

It wasn't a promotion, but I was thrilled because it was a chance to do something more than secretarial work. And I love it, I really do love it, but I also resent the fact that I do all the work. My boss is eight grades higher than I am, and he's absolutely incompetent! Ask anybody--whenever somebody needs something from our office they call old Irene.... I really can't complain to the higher-ups because I'm afraid they'll just put me back into a secretarial job--after all, it's still experimental.

Mary Judith, Connie, and Irene are only three of approximately 56,000 women across the country who are working in corrections systems at the state and local level. In the rapidly expanding female labor force they are all but "invisible," representing less than 1 percent of all women workers. Women work in every type of corrections agency and institution, although most women work in facilities serving female and juvenile offenders; they are employed in all corrections occupations, although most are in clerical positions; they are represented in every salary grade, although most earn less than \$12,000 per

year; they are of all ages, although most are under 30; they are all desirous of "moving up," although most will not have that opportunity. Wherever they work and whatever they do, women employed in corrections are fully conscious of the fact that they are in a "man's world."

Probably no part of our society has been so exclusively a male domain as the criminal justice system. The criminal law has been codified by male legislators, enforced by male police officers, interpreted by male judges. Rehabilitation programs have been managed by men, primarily for men.¹

The "tradition" of male dominance in the corrections field has been so strong that it was not until the legislation of the 1960's and 1970's, mandating the equal employment of women and minorities, that any inroads at all were made with regard to providing women with a range of employment opportunities in the field. Title VII of the Civil Rights Act of 1964 and the Crime Control Act of 1976 have put to rest the question of whether to bring women into the corrections labor force and provide them with the full range of employment opportunities. At issue now is how to effectively alter traditional personnel practices and prevailing attitudes to insure equality of opportunity.

Many commissions and national associations have urged federal, state, and local corrections systems to address those issues and to increase the scope of employment opportunities for women.

In 1973, the National Advisory Commission on Criminal Justice Standards and Goals pinpointed the basic problem in noting that women are generally confined to two areas of corrections employment: working with juvenile and female offenders and providing supportive services through clerical and secretarial work.

Discrimination against women as employees in correctional institutions for males has had serious implications for other correctional roles. The traditional tendency of corrections to select its managers and administrators from the ranks of institutional personnel (i.e., working up from guard to administrator), combined with the fact that the number of institutions for males is much larger than the number of institutions for females, has meant that women have been effectively eliminated from management and administrative positions.²

¹ R. R. Price, The Forgotten Female Offender, CRIME AND DELINQUENCY, 1977, V. 23, pp. 101-102.

² National Advisory Commission on Criminal Justice Standards and Goals, CORRECTIONS, 1973, p. 476.

The Commission stated that there appears to be no good reason why women should not be hired "for virtually any position in corrections" and urged that the "assumptions and biases that have barred women from most positions" be carefully examined.³

The American Bar Association, in 1975, also urged corrections systems "to increase the number of women and minority group employees...at all levels" and called for "special recruitment and training machinery and programs to attain this objective and to eliminate unnecessary and artificial hindrances to employment of qualified personnel."⁴

In February 1976, the American Correctional Association adopted an affirmative action policy "as a commitment to an on-going process which will ensure equal employment opportunities and employment conditions for minorities and women in correctional employment." It also encouraged corrections agencies to

...immediately conduct a comprehensive review and analysis of current employment policies, practices and procedures with particular attention to their effect on minorities and women; and then develop, implement, continually upgrade and evaluate affirmative action plans to address problem areas and rectify inequities.⁵

In spite of those urgings, women continue to be underrepresented in the corrections field in comparison with their participation in the employed civilian labor force and to be concentrated in the lower paid, lower status occupations which offer little opportunity for upward mobility.

PURPOSE AND SCOPE OF THE STUDY

This report is a first step in the effort to understand the factors that have limited the role women have in corrections and to develop a sound basis for attempts to broaden their participation in the field. The specific objectives of the research project on which this report is based are (1) to determine where and in what occupations in the field of corrections women are working; (2) to identify and explore the factors which affect the recruitment, placement, and advancement of women in the field; (3) to provide research questions for future inquiries into the structural conditions and social processes that contribute to and shape the employment patterns of women in the corrections labor force.

³ Ibid., pp. 476 and 477.

⁴ The American Bar Association House of Delegates adopted this policy in August 1975.

⁵ This position statement was adopted by the American Correctional Association Board of Directors on February 20, 1976.

PREVIOUS RESEARCH

An extensive search of the literature revealed no empirical studies on women in the corrections field with the exception of one that examines the impact the employment of women as teachers has had in male institutions. This 1972 study of corrections facilities in the United States, Israel, and Sweden, with a case study of the Texas Department of Correction, found that the benefits to be derived from the employment of women in male prisons outweigh the negative consequences. Included among the benefits for inmates were a general boost in morale, motivation for self-improvement, opportunities for positive relationships with women, increased feelings of connection with the outside, and increased respect for the correctional system itself. Among the disadvantages cited were inmate perceptions of increased pressure from the guards through stricter surveillance, restrictions on topics appropriate in classroom discussions, and the need for special scheduling of assignments to protect the privacy of inmates in the housing area.⁶

Similar conclusions have emerged from administrative reports on the employment of women as correctional officers as well as counselors in 11 all-male prisons in California. In 1974, the Department of Corrections initiated a carefully developed, step-by-step plan to open all "posts" in male institutions to women officers, thus providing them with the breadth of work experience necessary to qualify for promotion "up-through-the-ranks." Arlene Becker, who as assistant director implemented the plan, has noted that the majority of inmates

...feel that the officers' presence gives them opportunities to relate to women in acceptable ways, which better prepare them for release to the community. Indications are that some inmates tend to behave better, use less profanity, and care more for their personal hygiene when women officers are present.⁷

Another consequence of the presence of women officers has been a change in attitudes of the male staff. Ms. Becker quotes a captain who initially felt women had a very limited role in corrections: "They have been accepted by male personnel and inmates, and their individual potential for growth appears to be at approximately the same ratio as for a comparable group of male officers."⁸

In general, corrections systems that have made efforts to employ women as correctional officers and counselors in male institutions have reported positive consequences. The Federal Prison System has endorsed using women as correctional officers because (1) women make competent officers, (2) the presence of women

6 G. W. Paul, Impact of Female Employees in Adult All-Male Correctional Institutions (Ph.D. Dissertation, University of Houston, 1972).

7 Arlene Becker, Women in Corrections: A Process of Change, RESOLUTION MAGAZINE (Summer 1975), 19-21, p. 21.

8 Ibid.

helps to normalize the atmosphere in the institution, and (3) women are entitled to equal employment opportunities.⁹ Increasingly, noted authorities in the corrections field are encouraging the employment of women in male facilities because of the benefits to be derived from their presence. For example, in describing his model prison for "repetitively violent criminals," Norval Morris suggested that 40 to 50 percent of the staff should be women.

That the injection of women into the prison at all levels, including that of front-of-the-line guard, will tend to reduce violence is offered as a confident proposition; it is certainly timely to test it. As a matter of observation, men behave better in the presence of women. The social skills of many male offenders in dealing with women are distorted and undeveloped. Frequent and constructive association with women as staff members...will have positive impact upon the prisoner's later social relationships. ...Not only younger women should be recruited; the work is suitable for more mature women also and mothers and other women coming back into the work force should be included.¹⁰

Reports such as those just discussed have stimulated some willingness on the part of corrections administrators to expand opportunities for women not only in male facilities but in areas such as parole and probation which involve working with male clients.

Perhaps the strongest impetus to provide opportunities for women to work in such nontraditional areas of corrections has come as a result of several excellent studies on women in nontraditional areas of police work. Those studies have compared the job performance of policewomen with that of policemen. The importance of such research is underscored by the progress women have experienced in police work as a consequence.

There are indications that the strong federal legislation prohibiting sex discrimination in employment and research findings showing the efficacy of using women in non-traditional police roles have increased the number and percentage of women police officers nationwide as well as expanded the range of duties which they perform.¹¹

⁹ Federal Prison System Policy Statement issued in January 1976.

¹⁰ Norval Morris, THE FUTURE OF IMPRISONMENT, Chicago: The University of Chicago Press, 1974, pp. 108-109.

¹¹ WOMEN POLICE OFFICERS: A PERSONNEL STUDY, Washington, D.C.: The Police Foundation, 1980.

In general, the studies have concluded that policewomen do not differ significantly in job performance from policemen.¹² Several of the studies did note that while policewomen were able to function as competently as their male counterparts, their "style" of policing differed in that they made fewer arrests and generally performed less aggressively.¹³ In commenting on the latter aspect of policewomen's style, Bloch and Anderson noted that because "women act less aggressively and they believe in less aggression, their presence may stimulate increased attention to ways of avoiding violence and cooling violent situations without resort to force."¹⁴ Citizen acceptance of policewomen was found to be quite high--generally higher in fact than their acceptance by fellow police officers. The studies did report that policewomen tended to suffer more injuries, use more sick leave, and have a higher attrition rate.

A recent report issued by the Denver Civil Service Commission presented the results of performance evaluations of 27 men and 27 women police officers. The report concluded:

...there is no replicable difference between policewomen and policemen in the number of arrests made in any category...no difference in the number or quality of other police actions taken, reports written, efficiency ratings, line of duty injuries, disciplinary charges, positive letters from citizens, effects of officers on spectators or citizens involved in police action, effects of officers on the levels of violence or tension at an incident, or the amount of back-up received from other officers.¹⁵

¹² Peter Bloch and Deborah Anderson, POLICEWOMEN ON PATROL, Washington, D.C.: The Police Foundation, 1974; Lewis Sherman, Evaluation of Policewomen on Patrol in a Suburban Police Department, JOURNAL OF POLICE SCIENCE AND ADMINISTRATION, V. 3, N. 4, December 1975; WOMEN TRAFFIC OFFICER PROJECT: FINAL REPORT, Sacramento, California: Department of California Highway Patrol, 1976; Carol Kizziah and Mark Morris, EVALUATION OF WOMEN IN POLICING PROGRAM: NEWTON, MASSACHUSETTS, Oakland, California: Approach Associates, 1977; Harold Bartlett and Arthur Rosenblum, POLICEWOMEN EFFECTIVENESS, Denver, Colorado: Civil Service Commission and Denver Police Department, 1977; Joyce Sichel, Lucy Friedman, Janet C. Quint, and Michael Smith, WOMEN ON PATROL: A PILOT STUDY OF POLICE PERFORMANCE IN NEW YORK CITY, Washington, D.C.: U. S. Department of Justice, Law Enforcement Assistance Administration, 1978.

¹³ Bloch and Anderson, op. cit.; WOMEN TRAFFIC OFFICER PROJECT, op. cit., Sichel, Friedman, Quint, Smith, op. cit.

¹⁴ Bloch and Anderson, op. cit., p. 4.

¹⁵ Bartlett and Rosenblum, op. cit., p. 19.

Among the differences reported were that male officers averaged a higher rate of citizen complaints than women officers and that male officers reported greater resistances than did women. It was also noted in the Denver report that women scored higher on entrance exams, did not shoot as accurately as men, and took more sick leave. Similar conclusions emerged from an evaluation study conducted in Newton, Massachusetts, in the same year. There, however, the researchers found that policewomen and policemen received an equal number of citizen complaints; they also noted that the most difficult problem for women was the lack of acceptance by male officers.¹⁶

SUMMARY OF THE RESEARCH PROCEDURES

In view of the fact that the employment of women in corrections had received very little attention, the decision was made to use a research strategy which relied on multiple methods of data collection and analysis. There were two major phases in this study. In the first phase, emphasis was placed on determining where and in what occupations in corrections women are working. Efforts were made to gather all relevant statistical data from various organizations and governmental agencies. On the basis of that information, limited though it is, it was possible to develop an employment profile of women in the corrections labor force and to analyze employment trends over the six-year period from 1973 to 1979. In addition, an extensive study was made of the legal issues that have helped to shape the employment patterns of women in the field in general and in those areas in which women work with male clients in particular. The final step in the first phase of the study was a review of the literature to assess the extent and direction of previous research on the utilization of women in various corrections occupations. In addition, a number of persons experienced in the field were consulted. Using that information, research strategies were developed to identify and explore, through the collection of primary data, the factors which affect the recruitment, placement, and advancement of women.

The second major phase of the study involved the collection of those primary data in three states: Maryland, which served as the test site for the research instruments and methodology, Michigan, and South Carolina. Questionnaires were administered to a purposive sample of women and men. Personal interviews were also conducted with a subsample of women. Information was obtained regarding personal and background characteristics, occupation and salary, reasons for choosing corrections employment, and such work related experiences as number of years in the field, training opportunities, and the recognition and encouragement received. In addition, the participants were asked to indicate what they found "attractive" and "unattractive" about their work environment, their career goals in corrections, and their perceptions of the equality of opportunity in the field. Analyses of those data then made it possible to identify organizational and personal factors which affect career mobility patterns.

¹⁶ Kizziah and Morris, op. cit.

OVERVIEW OF THE REPORT

The report has three distinct though clearly related segments. The first segment, which is presented in Chapter 3, consists of an employment profile that examines the utilization of women in the corrections labor force within the context of recent trends in the overall employment of women. Specifically, attention is given to an analysis of the occupational distribution of women in corrections and of the work settings in which they tend to be most concentrated.

In the second segment, Chapters 4 and 5, analyses of the results of the field studies conducted in Michigan and South Carolina as well as in Maryland, the site of the test study, are presented. Chapter 4 describes in detail the responses of participants, while Chapter 5 deals specifically with an analysis of career mobility. The concept of mobility from the lowest levels of authority to the highest levels is explained, and the factors that affect this mobility are identified. The differential impact of those factors on the women and men who participated in the Michigan and South Carolina studies is then examined.

In the final segment of the report, Chapter 6, the legal issues that affect the employment of women in corrections are explored. Attention is given to the legislative enactments of the 1960's and 1970's that were intended to ensure equal employment opportunities for women and minorities in general and in the criminal justice field in particular. Special consideration is given to the as yet unresolved legal problems that have an impact on the utilization of women as correctional officers in male institutions. Because correctional officers constitute the largest segment of employees in the field, and because corrections is an area in which promotion "up-through-the-ranks" is a strong tradition, these issues are particularly germane to the employment of women.

The final chapter summarizes the findings that emerge from each of the major segments and discusses their implications. In addition, recommendations are made for future research efforts.

CHAPTER 2. RESEARCH STRATEGIES

The lack of prior research about the employment of women in corrections is indicative of the gap in general knowledge and baseline data on female employment patterns in general. Totally unexplored are the individual attributes and organizational characteristics that have shaped those patterns. Many important issues related to the recruitment, employment, and advancement of women in corrections cannot be measured adequately until the problem is corrected. In the absence of an adequate collection of data and systematic analysis of statistics on women in the corrections field, a research strategy involving multiple methods of data collection and analysis was adopted for this exploratory study. The methods are briefly described below.

DEVELOPMENT OF AN EMPLOYMENT PROFILE

When the study began, there was a limited amount of data from different sources that could be combined to provide indices of women employed in corrections occupations. Those combined data were used to develop the employment profile presented in Chapter 3. The profile covers the six-year period from 1973 to 1979. That period was chosen for reasons related to the availability of data and on the assumption that any changes resulting from the 1972 Amendment of Title VII would be reflected in the current distribution of women in corrections occupations.

To be properly understood, the employment of women in corrections must be considered within the context of trends that are discernible for women in the total civilian labor force. Information for such comparisons was derived from publications and press releases provided by the U.S. Department of Labor's Bureau of Labor Statistics (BLS) and the Women's Bureau. Employment and Earnings, a monthly publication of the BLS, provided employment data from the Current Population Survey produced by the Bureau of the Census. Of particular importance for the employment profile were employment figures by major occupational group and sex. Press releases issued by the Women's Bureau provided an analysis of those same data as they pertain to specific issues concerning the employment of women; many of them were also used to develop the profile.

The primary source of data on women in the corrections labor force was the Equal Employment Opportunity Commission's annual EEO-4 surveys. Since 1973, the Commission has collected employment and salary information from state and local governments in connection with its mandate to monitor EEO compliance. Each of the 50 states is surveyed annually, as are the District of Columbia and each local jurisdiction with 100 or more full-time employees. Jurisdictions with fewer employees are surveyed at regular intervals but not annually. In 1973, 1974, and 1975, the survey results were published in a

series of reports entitled Minorities and Women in State and Local Government; since that time the data have been available only upon special request.

The EEO-4 survey data are aggregated on the basis of 15 separate functions, one of which is "corrections." Included under that function are employees in jails, reformatories, detention homes, half-way houses, prisons, and parole and probation activities. Employees are further categorized by occupational groups, of which there are eight. Those categories--and the occupations in corrections that they include--are as follows:

- o Official/administrator (wardens, superintendents, etc.)
- o Professional (social workers, doctors, psychologists, dieticians, employment and vocational rehabilitation counselors, teachers, etc.)
- o Technician (computer specialists, medical technicians, etc.)
- o Protective service worker (correctional officers, deputy sheriffs, matrons, etc.)
- o Office/clerical worker (bookkeepers, secretaries, typists, etc.)
- o Paraprofessional (casework aides, library assistants, medical assistants, recreation aides, etc.)
- o Skilled craft worker (mechanics, carpenters, electricians, etc.)
- o Service-maintenance worker (truck drivers, groundskeepers, kitchen and laundry personnel, etc.)

Because of the importance of the EEO-4 survey data to the development of the employment profile of women in corrections, the quality and limitations of the source merit additional discussion.

The total number of units reporting correctional employment information in 1973 was 1,393, accounting for a total of 146,914 full-time employees. In 1979, there were 1,592 units reporting on the employment of 191,668 persons. The accuracy of those data is difficult to assess; for example, according to Bureau of the Census data for October 1979, there were approximately 232,000 full-time corrections employees at both the state and local levels and 248,000 at the state level alone. That would seem to indicate that the EEO-4 data, even with adjustments made for the sampling error, underestimate corrections employment.¹ More problematic are the errors that are likely to occur in

¹ For a full discussion and explanation of the survey coverage, sample design, and reliability of data, see Technical Note in MINORITIES AND WOMEN IN STATE AND LOCAL GOVERNMENT, Washington, D. C.: U.S. Equal Employment Opportunity Commission, 1973, 1974, and 1975.

self-reported data. The criteria for assigning employees to one of eight job categories are not clearly defined; the result is that the reliability of the data, particularly on a state-by-state basis, is open to question. An additional drawback for the purposes of the present study is that EEO-4 reports do not differentiate among the various categories of correctional agencies. Clearly, over or under reporting from correctional institutions as opposed to community-based agencies will affect occupational distribution while over or under reporting for adult male facilities as compared with those for juveniles or women will affect the sex ratio. The decision to use the data in spite of their limitations was based primarily on the fact that they were the only nationwide data available.

RESEARCH PROCEDURES

Instrument Development

In consultation with corrections experts and survey design specialists, a questionnaire was developed to elicit information from respondents about various aspects of their employment history in corrections. The questions pertained to the respondents' social and educational background, reasons for choosing corrections employment, occupational mobility within the field, job training, attractive and unattractive aspects of corrections work, recognition received for work performance, career aspirations, and perceptions of equality. Care was taken to design a questionnaire that would be appropriate for both women and men and for employees in all corrections occupations and work settings. In addition, a ten-question, open-ended interview guide was developed to be used in discussions with women employees about their experiences on the job and their perceptions of opportunities for women in the field.

Corrections institutions and agencies in Maryland were selected for testing the research instruments and procedures. Maryland was chosen because of its proximity and because the increased employment of women in all areas of corrections there in recent years suggested the possibility of innovative recruitment practices and policies.

Gaining Access in Maryland for Preliminary Field Work

After an endorsement of the research effort was obtained from the Secretary of Public Safety and the Directors of the Division of Corrections and the Division of Parole and Probation, permission was received from the administrators of five correctional institutions and two regional adult parole and probation offices to conduct the study with their employees. Permission was also obtained from the Juvenile Services Administration to include the employees of two juvenile institutions and two regional juvenile parole and probation offices in the study. However, because of understaffing and a concern for the disruptive effect the on-site visits by the research team might create, the administrators of the two juvenile institutions were reluctant to allow their employees to participate. No pressure was brought to bear on them to do so. Thus, only employees of the juvenile parole and probation offices participated.

A purposive sample of 20 percent of the women employed in each one of the nine corrections institutions and agencies and in the headquarters of the

Division of Corrections was drawn from personnel lists made available to the research staff. Because women are heavily overrepresented in clerical positions, stratified sampling procedures were used to insure a wide representation of occupations. Prior to the selection of the sample in each institution and agency, the women were categorized on the basis of occupation as either clerical or nonclerical. Sixty percent of each sample was selected from among those in the nonclerical category and 40 percent from among those listed as being in clerical positions. In addition, in each facility, a random sample of male employees equal to approximately 40 percent of the number of women selected was obtained. All together, 113 female and 36 male respondents participated in the preliminary field test. All of them were administered the same questionnaire. Fifty percent of the women in the questionnaire sample were selected for tape recorded interviews as well.

Before the on-site visits, administrators were contacted by letter, given the names of the employees selected to participate in the project, and asked to choose from among several dates the one most convenient for the visit. Depending on the number of employees to be contacted, one or more members of the research team was available to conduct the study at each site. In most cases, the team members were able to talk with top officials before contacting the employees; that enabled the researchers to get an overall picture of the operation of the facility from an administrative perspective and gather background information regarding employment policies and practices. The study team then met with the selected employees in groups of five to ten people at a time; in this way it was possible to make certain that each participant clearly understood the questions on the questionnaire. Following the administration of the questionnaires, individual interviews were conducted in a room set aside for this purpose. The cooperation of both administrators and respondents was outstanding. Some of the respondents remained voluntarily after their shifts to take part in the study, and a few even came in on their day off to do so.

Selection of Field Study States

In addition to testing the research instruments and procedures, the experience in Maryland helped to clarify the criteria subsequently used to select the two study states. Those criteria included, in the order of their importance, (1) "favorableness" to the employment of women in state and local corrections systems, (2) the number of employees in those systems, (3) the general economic environment as indicated by areawide industrialization and by unionism among corrections workers, and (4) geographic location.

The most important of those criteria--"favorableness" to the employment of women--was also the most difficult to determine. Using 1975 EEO-4 survey data, which were the most current nationwide data available at that time, a "favorableness" rating was developed for each state. The rating was based on the percentage of women in corrections work in general and the percentage of women among "new hires" in "official/administrator," "professional," "technician," and "protective service" positions. Forty-five states for whom complete data were reported were rank-ordered on the basis of those two measures. A combined ranking was then obtained, giving each measure equal weight to form the "favorableness" score. Table 1 indicates the status of each of the states on the basis of the combined ranking. The high ranking of state systems

Table 1

RANKING OF STATES BY "FAVORABLENESS" TO THE
EMPLOYMENT OF WOMEN IN CORRECTIONS*

Top Ranking		Middle Ranking		Lower Ranking	
States	Combined Rank	States	Combined Rank	States	Combined Rank
California	3.0	Idaho	19.5	Tennessee	26.5
Alabama	5.0	Rhode Island	20.5	North Dakota	28.5
New Jersey	7.0	Wyoming	21.0	Texas	30.0
Washington	7.0	Connecticut	21.5	Massachusetts	32.5
Ohio	8.5	Minnesota	21.5	Utah	32.5
Wisconsin	9.5	New Mexico	22.0	Pennsylvania	33.0
Florida	10.0	New York	22.0	Colorado	33.5
Missouri	11.5	Arizona	22.5	North Carolina	34.5
Kansas	14.0	Michigan	22.5	Kentucky	35.0
Iowa	16.5	Montana	22.5	Illinois	35.5
Maryland	18.5	Georgia	23.0	South Carolina	35.5
Nevada	18.5	Nebraska	24.0	New Hampshire	36.0
Oregon	18.5	West Virginia	24.0	Oklahoma	37.5
Indiana	19.0	Virginia	25.5	Maine	41.0
South Dakota	19.0			Arkansas	44.0

- * "Favorableness" is measured by a ranking of states according to the percent of women employed in state and local corrections systems and the percent of women among new hires in administrative, technician, professional, and protective service positions.

widely known to resist the employment of women merely underscores the data problems discussed earlier and the need for reliable baseline data. At the same time, it must be acknowledged that high correctional standards and a positive stance toward the involvement of women do not necessarily go hand in hand. For example, it is possible that some high ranking states employ a relatively high proportion of women because low salaries paid to corrections employees fail to attract many men.

Because Maryland ranked in the top one-third of the states, it was decided to choose one state from the second one-third of the states and another from the final one-third for purposes of comparison. On the basis of the second criteria, reported number of corrections employees, Minnesota, Michigan, Georgia, and Virginia in the second group of states and Tennessee, Texas, North Carolina, Illinois, and South Carolina in the third group most closely approximated the number of employees in Maryland. Michigan was selected from among those nine states because it seemed to be the most representative of states with both a high degree of industrialization and a high degree of union membership and activity among corrections employees.² South Carolina was selected as the second state because it presented a clear contrast to Michigan in general economic and nonunion environment and because it is a southern state. In addition, with the state corrections systems in both Michigan and South Carolina in the process of seeking accreditation by the Commission on Accreditation, it was felt that administrators in those states might be more willing to take part in the study than others. Permission to conduct the study was obtained from the directors of state and local corrections systems in both Michigan and South Carolina.

Identification of Agency Population

In South Carolina, Richland County was selected as the study site because of its proximity to the urban area of Columbia and because it includes within its boundaries every type of corrections facility and agency. From among them, 22 state and local corrections agencies that would reflect the diversity of work settings were selected to participate in the South Carolina study. They included the headquarters of the South Carolina Department of Corrections, the Central Correctional Institution, the Kirkland Correctional Institution, and the Women's Correctional Center as well as offices of the South Carolina Probation, Parole, and Pardon Board, Richland County Detention Center, Columbia City Jail, offices of Juvenile Placement and Aftercare, and facilities operated by the South Carolina Department of Youth Service.

² See John M. Wynne, PRISON EMPLOYEE UNIONISM: THE IMPACT ON CORRECTIONAL ADMINISTRATION AND PROGRAMS, Washington, D.C.: U. S. Department of Justice, Law Enforcement Assistance Administration, 1978; and M. Robert Montilla, PRISON EMPLOYEE UNIONISM: MANAGEMENT GUIDE FOR CORRECTIONAL ADMINISTRATORS, Washington, D.C.: U.S. Department of Justice, Law Enforcement Assistance Administration, 1978. The state prison system was one of 16 selected to be part of the Management-Employee Relations in Corrections Project, the results of which are published in these two volumes.

Jackson and Washtenaw counties were selected as the study site in Michigan. They are located in the south-central part of the state, just outside of the Detroit metropolitan area, which is the most industrialized section of the state. The counties also include all types of corrections facilities and agencies. Twenty-one agencies and institutions were selected to participate in the Michigan study. Among them were four adult institutions, one of which was the State Prison of Southern Michigan in Jackson, the offices of the state and county adult parole and probation system, the detention centers of both counties, and juvenile facilities and agencies operated by the Department of Social Services. (For a complete list of participating institutions and agencies, see Appendix A.)

Final Respondent Sample and Data Collection Procedures

An initial analysis of the data collected in Maryland indicated that women clerical workers, more than other female workers, perceived themselves to be attached to the state or local civil service system rather than the corrections system per se. That was reflected both in their previous work experience and, most importantly, in their career goals. As a consequence, the sampling procedures to be used in Michigan and South Carolina were changed to reflect a 3 to 1 ratio of nonclerical to clerical workers.

Thus, 75 percent of the sample of women in each agency was nonclerical, while 25 percent was clerical. As a result, the sample was skewed to overrepresent the women in nonclerical positions and underrepresent those in clerical positions. Once again, 20 percent of the women employed in each of the corrections agencies were included in the sample. The male respondents, obtained by random sample in each agency, represent 40 percent of the number of female respondents in the same agency. The sampling procedure was the same for both Michigan and South Carolina. The final sample was as follows:

	<u>Males</u>	<u>Females</u>	<u>Total</u>
Michigan	61 (32%)	132 (68%)	193
South Carolina	<u>48 (40%)</u>	<u>117 (60%)</u>	<u>165</u>
Total	109	248	358
		Sex data missing	<u>3</u>
		Total Number	361

Approximately 50 percent of the women in the questionnaire sample were selected for follow-up interviews.

Following the selection of Michigan and South Carolina, a person in each state who had both the necessary research experience and a knowledge of the state and local corrections systems was hired to head the study effort. Those two persons then worked with the project staff in finalizing the research instruments and procedures to be used.

Changes were made in the questionnaire to eliminate possible sources of respondent confusion that became evident in the Maryland pretest. The questionnaire was simplified to focus more directly on present job and career goals with respondents asked simply to list previous positions. In addition, it was decided to incorporate questions dealing with grievances and the grievance procedures that had been part of the interview into the questionnaire itself. Additional questions designed to elicit more in-depth information relative to the handling of day-to-day job responsibilities were included in the interview guide. (See Appendix B for the questionnaire and interview guide used in the study.)

The procedures to be followed in gathering the data were the same in Michigan and South Carolina as in Maryland. The field researchers were able to obtain their samples from personnel lists made available to them. Convenient dates were arranged with each institution and agency for the on-site visit, and one or more team members administered the questionnaires and conducted the follow-up interviews. In South Carolina, it was necessary for the researchers to take copious notes during the interview sessions as tape recorders were not permitted.

Methods of Data Analysis

The primary data collected in South Carolina and Michigan were analyzed for both descriptive and explanatory purposes. Since the study was not designed to generate data for testing hypotheses, decisions about how to analyze the data were based on questions of interest derived from research on women in other occupational settings,³ as well as the results of the preliminary analysis.

Specifically, in order to obtain a general description of the differences between women and men in corrections agencies in each state, the data were examined using correlational techniques. In addition, the data were analyzed to provide a possible explanation for the difference in mobility and occupational attainment for women and men in corrections. For the most part, that analysis consisted of cross tabulation techniques with Pearson's *r* correlations employed occasionally as a parsimonious way to present data. Data limitations (e.g., small sample size) prevented the testing of the explanatory model with regression analysis. The primary objective was to separate the effects of individual attributes on mobility and job attainment level from those of organizational factors. Previous work on mobility and occupational attainment for women was used to conceptualize the mobility process and identify important variables.

³ Rosabeth Kanter, *MEN AND WOMEN IN THE CORPORATION*, New York: Basic Books, 1977; and Wendy Wolf and Neil Fligstein, *Sex and Authority in the Workplace*, *AMERICAN SOCIOLOGICAL REVIEW*, V. 44, N.2, April 1979.

SUMMARY

The lack of prior research on the employment pattern of women in the corrections field dictated that a research strategy involving multiple methods of data collection and analysis be adopted for this exploratory study.

Analysis of the Equal Employment Opportunity Commission's annual (EEO-4) surveys provided the basis for developing an employment profile of women in state and local corrections systems for the years 1973 and 1977. Supplemental information on the types of settings in which women work and on women in specific areas of corrections was obtained from reports of criminal justice organizations.

Primary data used in the present study were collected mainly through questionnaires administered in 1979 to a purposive sample of 248 women and 109 men who are corrections employees in two field study states, Michigan and South Carolina. Data from the questionnaires were analyzed to provide a general description of the characteristics that differentiate women and men in the sample and to generate a descriptive model of the mobility potential and career paths of males and females in the two states. Semistructured interviews were also conducted with a subsample of female respondents to explore the subjective experiences of women in corrections.

It should be pointed out that the present study is limited by the fact that data derived from the field study states will not permit generalized conclusions about employment patterns of women in corrections or their mobility and career paths. Nevertheless, the analyses of those data do provide valuable insights and a better understanding of the employment patterns and experiences of women in comparison to men in corrections. The research findings can also be used to specify the focus for further research and to develop an empirical foundation for policy recommendations.

CHAPTER 3. EMPLOYMENT PROFILE OF WOMEN IN CORRECTIONS

Women who work in corrections represent less than 1 percent of all employed women in the United States. It is not surprising, therefore, that little is known about that segment of the labor force. In this chapter, secondary data gathered from several sources provide the basis for an examination of the employment patterns of women in corrections over a six-year period, 1973 to 1979. Particular attention in this examination is given to the occupational distribution of women in the field and to the settings in which they work. To provide a broader perspective for examining those patterns, consideration is given first to the status of women in the employed civilian labor force during the same six-year period.

STATUS OF WOMEN IN THE EMPLOYED CIVILIAN LABOR FORCE, 1973 AND 1979

One of the labor statistics most frequently quoted over the past decade has been the "new high" reached each year for the participation of women in the labor force. In 1973, according to Bureau of Labor Statistics figures, women constituted 38.4 percent of the employed civilian labor force, and by 1979 the figure had risen to 41.7 percent, a 24.7 percent increase in the number of employed women. Even more startling, however, is the fact that women accounted for nearly 64 percent of the increase in the total employed civilian labor force over this six-year period--an increase of almost 8 million women as compared with a slightly less than 4.5 million increase in the number of men.¹

Although the figures are impressive and seem indicative of new gains in employment for women, a further examination of the data reveals that the influx of women was not uniformly distributed throughout the range of occupations. In 1973, as indicated in Table 2, women were "over equity," or over 38.4 percent, among white collar workers in professional and technical positions, sales, and, most notably, clerical jobs, among blue-collar workers listed as "operative, except transport" and among service workers. At the same time, women were "under equity," or under 38.4 percent, in the ranks of managers and administrators, blue-collar workers in general, and farm workers. By 1979, as also indicated in Table 2, the occupational distribution of women had not changed in spite of the fact that they accounted for 63.8 percent of the increase in the employed civilian labor force. In fact, the data show that approximately 57 percent of the additional 8 million women went into sales, clerical, or service occupations.

¹ U. S. Bureau of Labor Statistics, EMPLOYMENT AND EARNINGS, Vol. 20, No. 7, January 1974, and Vol. 25, No. 1, January 1978.

Table 2

WOMEN IN THE EMPLOYED CIVILIAN FORCE BY OCCUPATION, 1973 AND 1979

	1973			1979		
	Total Employed (Thou- sands)	Women		Total Employed (Thou- sands)	Women	
		Number (Thou- sands)	Percent		Number (Thou- sands)	Percent
Total employed	84,409	32,447	38.4	96,945	40,446	41.7
White-collar workers	40,386	19,681	48.7	49,342	26,037	52.8
Professional & technical	11,777	4,711	40.0	15,050	6,519	43.3
Managers & administrators, except farm	8,644	1,590	18.4	10,516	2,586	24.6
Sales workers	5,415	2,240	41.4	6,163	2,780	45.1
Clerical workers	14,548	11,140	76.6	17,613	14,152	80.3
Blue-collar workers	29,869	5,243	17.6	32,066	5,911	18.4
Craft & kindred workers	11,288	463	4.1	12,880	738	5.7
Operatives, except transport	10,972	4,319	39.4	10,909	4,352	39.9
Trans. equipment operatives	3,297	163	4.9	3,612	294	8.1
Nonfarm laborers	4,312	299	6.9	4,665	527	11.3
Service workers	11,128	7,008	63.0	12,834	8,011	62.4
Private household workers	1,353	1,331	98.4	1,088	1,062	97.6
Other service workers	9,775	5,678	58.1	11,746	6,949	59.2
Farm workers	3,027	513	16.9	2,703	487	18.0
Farmers & farm managers	1,664	103	6.2	1,446	139	9.6
Farm laborers & foremen	1,363	411	30.2	1,257	348	27.7

Source: U.S. Bureau of Labor Statistics, EMPLOYMENT AND EARNINGS, Vol. 20, No. 7, January 1974, and Vol. 27, No. 1, January 1980.

The tendency for women to be concentrated in some occupations and excluded from others becomes even more obvious when a closer look is taken at a breakdown of the major occupational groupings. According to 1979 U.S. Bureau of Labor Statistics, women accounted for 43.3 percent of all "professional and technical" workers. However, of the 23 specific occupations listed under that general heading, women were "over equity," or over 41.7 percent, in only 7, all of which involve work usually associated with women; they included librarians, personnel workers, nurses, social workers, and vocational and educational counselors. At the same time, women were "over equity" in all but 7 of the 30 "clerical" occupations listed; those 7 occupations, including dispatchers, expeditors and production controllers, mail carriers, messengers, postal clerks, stock clerks, and shipping clerks involve tasks traditionally associated with men. Of approximately 165 occupations listed by the Bureau of Labor Statistics, there were 42 in which women accounted for 60 percent or more of all employees (see Table 3). Of the 40.4 million women employed in 1979, 26.9 million--67 percent--worked in approximately 25.5 percent of all occupations. It will be noted that all of those occupations involve tasks that traditionally have been considered to be "women's work."

STATUS OF WOMEN IN THE CORRECTIONS LABOR FORCE, 1973 AND 1979

It is not surprising, in view of the segregation of occupations by sex that is characteristic of the employed civilian labor force, that women are underrepresented in the corrections labor force. The field of corrections, like those of law enforcement and fire fighting, has been traditionally dominated by men. This is reflected in the fact that the only occupational group within the Bureau of Labor Statistics category of "service workers" in which women did not constitute at least 68 percent of all employees was that of "protective service workers," which includes fire fighters, guards, police, and sheriffs and bailiffs. In 1973 women accounted for only 5.4 percent of the 1.2 million employees in this category; by 1979 that figure had risen to 8.8 percent. While women accounted for 64 percent of the increase in the employed civilian labor force between 1973 and 1979, they constituted only 24.6 percent of the increase in the number of protective service workers.

Occupational Distribution of All Employees in Corrections, 1973 and 1979

Between 1973 and 1979, according to EEO-4 data, the corrections labor force at the state and local levels increased 30.5 percent (see Table 4). When compared with the 15 percent increase in the employed civilian labor force over the six-year period, the increase in the number of corrections employees indicated that corrections could be considered one of the occupational growth areas.

Since "protective services" personnel, or correctional officers, constituted approximately 38 percent of the 1973 correctional labor force, it is not surprising that the addition of 18,903 employees in that job category accounted for 42 percent of the overall increase in corrections employment. The most significant growth in the corrections labor force, however, occurred in the "professional" and "technician" job categories, which generally accounted for 25 percent of all personnel in 1973. An increase of 16,639 employees in those

Table 3

WOMEN IN SELECTED OCCUPATIONS, 1979

Occupations	Total Employed (Thousands)	Percent Women
Total employed	96,945	41.7
White-collar workers.....	49,342	52.8
Professional and technical.....	15,050	43.3
Librarians, archivists & curators.....	201	78.1
Personnel & labor relations workers.....	413	45.5
Nurses, dieticians and therapists.....	1,488	93.2
Health technologists and technicians.....	534	69.5
Social and recreation workers.....	477	61.4
Teachers, exc. college & university.....	3,118	70.8
Vocational & educational counselors.....	167	53.3
Managers and administrators, exc. farm.....	10,516	24.6
Health administrators.....	185	48.1
Managers and superintendents, building.....	152	50.0
Office managers, n.e.c.....	416	63.0
Sales workers.....	6,163	45.1
Demonstrators.....	88	93.2
Hucksters and peddlers.....	193	79.8
Real estate agents and brokers.....	616	49.4
Sales workers and sales clerks, n.e.c.....	4,410	45.8
Clerical workers.....	17,613	80.3
Bank tellers.....	493	92.9
Billing clerks.....	162	90.1
Bookkeepers.....	1,910	91.1
Cashiers.....	1,477	87.9
Clerical supervisors, n.e.c.....	237	71.3
Collectors, bill and account.....	74	59.5
Counter clerks, except food.....	362	77.9
Estimators and investigators, n.e.c.....	496	55.8
File clerks.....	305	86.6
Insurance adjusters, examiners & investigators...	173	55.5
Library attendants and assistants.....	165	79.4
Mail handlers, except post office.....	167	50.3
Office machine operators.....	904	74.9
Payroll and timekeeping clerks.....	236	81.4
Receptionists.....	600	97.2
Secretaries.....	3,729	99.1
Statistical clerks.....	400	78.8
Stenographers.....	76	93.4
Teachers aides, except school monitors.....	350	93.4

Occupations (continued)	Total Employed (Thousands)	Percent Women
Clerical workers (continued)		
Telephone operators.....	327	91.7
Typists.....	1,020	96.7
Blue-collar workers.....	32,066	18.4
Craft and kindred workers.....	12,880	5.7
Bakers.....	140	43.6
Decorators and window dressers.....	129	72.9
Operatives, except transport.....	10,909	39.9
Assemblers.....	1,289	53.4
Checkers, examiners, etc.; manufacturing.....	746	51.2
Clothing ironers and pressers.....	116	76.7
Dressmakers, except factory.....	109	95.4
Laundry and dry cleaning operatives, n.e.c.....	185	65.9
Packers and wrappers, exc. meat & produce.....	626	63.7
Photographic process workers.....	89	52.8
Sewers and stitchers.....	810	95.3
Shoemaking machine operatives.....	75	77.3
Textile operatives.....	340	57.6
Winding operatives, n.e.c.....	66	50.0
Transport equipment operatives.....	3,612	8.1
Bus drivers.....	358	45.5
Nonfarm laborers.....	4,665	11.3
Animal caretakers.....	97	49.5
Service workers.....	12,834	62.4
Private households.....	1,088	97.6
Child care workers.....	474	97.9
Cleaners and servants.....	485	97.3
Housekeepers.....	97	97.9
Service workers, except private households.....	11,746	59.2
Food service workers.....	4,300	68.4
Health service workers.....	1,818	90.4
Personal service workers.....	1,772	77.3
Protective service workers.....	1,406	8.8
Farm workers.....	2,703	18.0
Farm laborers, unpaid family workers.....	286	66.1

Source: U.S. Bureau of Labor Statistics, EMPLOYMENT AND EARNINGS,
Vol. 27, No. 1, January 1980.

Table 4

FULL-TIME CORRECTIONAL EMPLOYMENT BY OCCUPATIONAL GROUP

Occupational Group	1973		1979	
	Total	Percent	Total	Percent
Total	146,914	100.0	191,668	100.0
Officials/Administrators	7,055	4.8	6,878	3.6
Professionals	31,649	21.5	45,736	23.9
Technicians	5,191	3.5	7,743	4.0
Protective Service	56,457	38.4	75,360	39.3
Paraprofessional	14,320	9.8	15,347	8.0
Clerical	24,797	16.9	25,377	13.3
Service/Maintenance and Skilled Craft	7,445	5.1	15,227	7.9

Source: Equal Employment Opportunity Commission, EEO-4 Reports, 1973 and 1979.

positions constituted approximately 37 percent of the total increase in correctional employment. Increases in the number of service/maintenance workers and clerical personnel, which accounted for 17.4 percent and 1.3 percent respectively of the overall increase in corrections employment, round out the growth picture.

In two job categories, the number of employees actually decreased over the six-year period covered by this study. The loss of 177 employees listed as "officials/administrators" reflected a 2.5 percent decrease in that category. An even more critical loss was in the reported number of paraprofessional personnel. There were 1,027 fewer employees in such positions in 1979 than in 1973, a decrease of 7.2 percent.

As will be shown below, those changes in corrections employment between 1973 and 1979 had a significant impact on the integration and utilization of women in the corrections field.

Occupational Distribution of Women in Corrections, 1973-1979

In 1973, 39,511 (26.9 percent) of the reported 146,914 full-time corrections employees were women; by 1979, the number had risen to 56,108 (29.3 percent) of 191,668 employees. That addition of 16,597 women to the corrections labor force constituted a 42 percent increase in the number of women but represented only 37.1 percent of the overall growth in corrections employment. As shown in Table 5, in comparison with the participation of women in the employed civilian labor force, the figures seem to indicate that women in the corrections labor force were not only underrepresented in the field, but their underrepresentation had increased slightly. In 1973, when women accounted for 38.4 percent of the employed civilian labor force, they were just 26.9 percent of the corrections labor force. By 1979, when women constituted 41.7 percent of the national work force, women employed in corrections accounted for 29.3 percent of that labor force. That is an increase of 2.4 percentage points in the number of women in the corrections field as compared with the 3.3 percentage-point increase in the number of women in the employed civilian labor force.

The occupational distribution patterns that characterized the employed civilian labor force over the six-year period were also evident in the corrections labor force. As shown in Table 6, in 1973, women employed in corrections were "over equity," or over 26.9 percent, in only three of the seven occupational categories--paraprofessional, clerical, and service/maintenance. Approximately 65 percent of all women employees in the field were working in one of those three areas as compared with only 20 percent of the men. It is indicative, perhaps, of the traditional male dominance in corrections that only 69 percent of the clerical employees in 1973 were women; by comparison, almost 77 percent of the clerical workers in the employed civilian labor force were women.

The same concentration of women in paraprofessional, clerical, and service/maintenance occupations was evident in 1979, although the percentage of all women employees in those categories had dropped to 55 percent. That drop was undoubtedly due to the rather dramatic decrease in the number of women reported

Table 5

EMPLOYED PERSONS, BY LABOR FORCE, SEX, AND RACE

	Employed Civilian Labor Force ^a				Correctional Labor Force ^b			
	1973		1979		1973		1979	
	Total (Thousands)	Percent	Total (Thousands)	Percent	Total	Percent	Total	Percent
Total	84,409	100.0	96,945	100.0	140,914	100.0	191,668	100.0
Male	51,963	61.6	56,499	58.3	107,403	73.1	135,560	70.7
White	46,830	55.5	50,721	52.3	88,928	60.5	104,248	54.4
Black & Other	5,133	6.1	5,779	6.0	18,475	12.6	31,312	16.3
Female	32,446	38.4	40,446	41.7	39,511	26.9	56,108	29.3
White	28,448	33.7	35,304	36.4	30,636	20.9	41,446	21.6
Black & Other	3,999	4.7	5,141	5.3	8,875	6.0	14,662	7.7

^a Sources: U.S. Bureau of Labor Statistics, Employment and Earnings, Vol. 20, No. 7, January 1974, and Vol. 27, No. 1, January 1980.

^b Source: Equal Employment Opportunity Commission, EEO-4 Reports, 1973 and 1977.

Table 6

CORRECTIONS EMPLOYMENT, BY OCCUPATION AND SEX, 1973 AND 1979

Occupational Categories	Total	Women			Men		
		Total	Percent of Total	Percent of Women	Total	Percent of Total	Percent of Men
<u>1973</u>							
Total	146,914	39,511	26.9	100.0	107,403	73.1	100.0
Official/Administrative	7,055	779	11.0	2.0	6,276	89.0	5.8
Professional	31,649	7,165	22.6	18.1	24,484	77.4	22.8
Technician	5,191	842	16.2	2.1	4,349	83.8	4.0
Protective Service	56,457	5,181	9.2	13.1	51,276	90.8	47.7
Paraprofessional	14,320	6,047	42.2	15.3	8,273	57.8	7.7
Clerical	24,797	17,173	69.3	43.5	7,624	30.7	7.1
Service/Maintenance and Skilled Craft	7,445	2,324	31.2	5.9	5,121	68.8	4.8
<u>1979</u>							
Total	191,668	56,108	29.3	100.0	135,560	70.7	100.0
Official/Administrative	6,878	1,028	14.9	1.8	5,850	85.1	4.3
Professional	45,736	12,874	28.1	23.0	32,862	71.9	24.3
Technician	7,743	1,735	22.4	3.1	6,008	77.6	4.4
Protective Service	75,360	9,592	12.7	17.1	65,768	87.3	48.5
Paraprofessional	15,347	4,880	31.8	8.7	10,467	68.2	7.7
Clerical	25,377	22,895	90.2	40.8	2,482	9.8	1.8
Service/Maintenance and Skilled Craft	15,227	3,104	20.4	5.5	12,123	79.6	9.0

Source: Equal Employment Opportunity Commission, EEO-4 Reports, 1973 and 1979.

to be employed as paraprofessionals. Over the six-year period, the number of women employed in such positions decreased 19.3 percent while the number of men in them increased 26.5 percent. In 1973, 15.3 percent of all the women employed in corrections were working as paraprofessionals, and they accounted for 42.2 percent of the employees in that job category; by 1979 only 8.7 percent of the women were in such positions, and they constituted only 31.8 percent of those so employed. Whether or not the data represented a real loss of women employees or simply a change in their classification cannot be determined from the data. However, a case might be made for the latter explanation in view of the fact that there were substantial increases in the number of women reported in both the professional and technician job categories.

Between 1973 and 1979, an additional 14,087 corrections employees were reported to be in professional positions, and women accounted for 40.5 percent of the increase. In 1973, 18.1 percent of all women employed in corrections worked in professional positions, and they were 22.6 percent of all employees in that category. By 1979, 23.0 percent of all women were in those positions, and they constituted 28.1 percent of all such employees.

A somewhat similar pattern can be seen in the increases that occurred in the technician job category. Although technician is the smallest job category in corrections, it experienced the second largest increase in number of employees--49.2 percent. Only the 104.5 percent increase in the number of service/maintenance employees was larger. Of the 2,552 additional employees in technician positions, 35.0 percent were women. That figure represented a 106.1 percent increase in the number of women employed in those occupations. In 1979, women were 22.4 percent of those employees, compared with only 16.2 percent in 1973.

While the increases in professional and technical occupations are impressive, the data indicated that in 1979 women in corrections were still a long way from achieving the 41.7 percent participation rate in those areas that women enjoyed in the general labor force. Moreover, women were still virtually excluded from the job categories in corrections that provide the greatest career advancement and the most potential for influencing and implementing policy, namely positions in protective services and as officials and administrators.

In 1973 and again in 1979, men were concentrated in and dominated the protective service occupations to an even greater degree than women dominated the clerical field. In 1973, 47.7 percent of all men employed in corrections, as compared with only 13.1 percent of the women, were in protective services positions. Men were 90.8 percent of all employees in that job category while women constituted only 9.2 percent. As discussed earlier, the protective services experienced the largest numerical increase of the seven job categories between 1973 and 1979. However, of the 18,903 additional employees, only 23.3 percent were women. While that was a 85 percent increase in the number of women in protective services, men still accounted for 87.3 percent of such employees.

Over the six-year period covered, even positions as officials and administrators became more accessible to women than did protective service occupations--if only slightly so. Nationwide, the number of corrections employees listed

as officials and administrators dropped by 3 percent. While the number of men in those positions decreased 6.8 percent, the number of women increased 32 percent. In 1973, women constituted only 11 percent of all officials and administrators while by 1979 they accounted for 14.9 percent. On the other hand, the percentage of all women employed in corrections who were working in those positions declined slightly from 2 percent to 1.8 percent.

Type of Facilities in Which Women Are Employed

As indicated above, Equal Employment Opportunity Commission (EEO-4) survey data for 1979 showed that women employed in corrections were "overrepresented" in paraprofessional and clerical positions and "underrepresented" as officials/administrators, professionals, technicians, protective service workers, and in service/maintenance jobs. In effect, approximately 58.1 percent of all the women employed in corrections were providing supportive services, and only 41.9 percent were working in occupations that might be said to involve "client contact."

Few will question that the primary explanation for the imbalance lies in the fact that the majority of women who are administrators, professionals, or protective service workers are among the relatively small number of corrections employees who work with female and juvenile offenders. Based on 1977 employment data, only 2.7 percent of all state corrections employees worked in institutions for women, while an additional 19.7 percent worked in juvenile facilities.² The statistical data needed to determine in what type of facilities women are working, however, are fragmentary at best.

The National Manpower Survey of the Criminal Justice System noted that, in 1973, 33.7 percent of custodial personnel in juvenile facilities were women as compared with only 7.5 percent in adult institutions, and that, in 1975, women accounted for 13 percent of the administrators of juvenile facilities and only 8 percent of the administrators in both adult correctional institutions and parole and probation agencies.³ THE AMERICAN CORRECTIONAL ASSOCIATION DIRECTORY FOR 1979 presented more current data that allowed for a limited analysis of staffing ratios for juvenile and adult corrections systems. Table 7 contains a summary of those personnel statistics, reported as of September 1, 1978, for 17 states. The figures indicate that the percentage of women employed in state juvenile systems was consistently higher than the percentage of women in adult corrections systems. The only exception was the state of Massachusetts which no longer operates institutions for juveniles. The data also show that of the 16,945 women employed in corrections in those 17 states,

² EXPENDITURE AND EMPLOYMENT DATA FOR THE CRIMINAL JUSTICE SYSTEM, 1977, Washington, D.C.: U. S. Department of Justice, Law Enforcement Assistance Administration, 1978, Table 54.

³ National Manpower Survey of the Criminal Justice System, CORRECTIONS, Washington, D.C.: U. S. Department of Justice, Law Enforcement Assistance Administration, 1978, pp. 51, 53. It is extremely unfortunate that this survey, mandated by Congress in 1973, collected no original data on women employees and paid only scant attention in the reports to their recruitment, retention, training, and educational needs.

Table 7

EMPLOYMENT IN ADULT AND JUVENILE CORRECTIONAL
SYSTEMS, BY SEX FOR SELECTED STATES

States	Combined Employment			Adult Systems			Juvenile Systems		
	Total	Women		Total	Women		Total	Women	
		Number	Percent		Number	Percent		Number	Percent
Alabama	1,903	594	31.2	1,431	389	27.2	479	205	42.8
Arkansas	1,006	328	32.6	645	154	23.9	361	174	48.2
California	13,222	3,583	27.1	8,553	2,043	23.9	4,669	1,540	33.0
Colorado	1,507	363	24.1	970	166	17.0	529	197	37.2
Connecticut	3,018	1,005	33.3	1,564	162	10.4	1,454	843	58.0
Kansas	1,600	489	30.6	1,108	258	23.3	492	231	47.0
Kentucky	4,161	2,448	58.8	1,265	370	29.2	2,896	2,078	71.8
Maryland	3,778	1,026	27.2	2,321	441	19.0	1,457	585	40.2
Massachusetts	3,534	1,146	32.4	2,964	971	32.8	570	175	30.7
Missouri	2,771	847	30.6	2,037	517	25.4	734	330	45.0
New Hampshire	346	72	20.8	205	25	12.2	141	47	33.3
North Carolina	6,341	1,259	19.8	5,643	907	16.1	698	352	50.4
Ohio	5,985	1,542	25.8	3,669	659	18.0	2,316	883	38.1
Oregon	1,979	545	27.5	1,361	352	25.9	618	193	31.2
South Carolina	2,642	837	31.7	1,947	508	26.1	695	329	47.3
Utah	805	194	24.1	622	133	21.4	183	61	33.3
Washington	2,640	667	25.3	1,685	385	22.8	955	283	29.6
TOTAL	57,245	16,945	29.16	37,998	8,439	22.2	19,247	8,506	44.2

Source: AMERICAN CORRECTIONAL ASSOCIATION DIRECTORY, 1979, pp. vi-vii.

about 50.2 percent worked in juvenile systems and 49.8 percent in adult systems; comparable figures for male employees indicate that only 27 percent worked in juvenile systems while 73 percent were in adult systems.

As incomplete as the figures on staffing ratios are for juvenile and adult corrections systems, those for male and female adult institutions are even more so. In fact, the National Manpower Survey was forced to conclude that "the available data do not permit a separate analysis of staffing ratios for male and female institutions."⁴ At the same time, however, preliminary results of a 1978 American Correctional Association Membership Information Survey (MIS) indicated that 73 percent of the women were employed in all-female institutions. Only 8 percent of the workers in male facilities were women.⁵ While those figures were based on the responses of 3,269 ACA members, they do provide some evidence of the concentration of women in female facilities.

Statistical data on the employment of women in other than institutional settings are also virtually nonexistent. For example, the most recent figures on the number of women in probation work date from a 1974 survey by Schoonmaker and Brooks. At that time, data from 43 states indicated that 18 percent of those employed in probation were women.⁶ Unfortunately, there were no comparable figures for parole officers. It seems safe to suggest, however, that in view of the fact that all 50 states now allow cross-sex supervision of clients, the percentage of women employed in that field has increased substantially.⁷

Some indication of the employment patterns for women in administrative agencies can be derived from the 1975 survey conducted by the LEAA Task Force on Women. According to that report, 46 percent of LEAA employees were women, a percentage that compared quite favorably with the rest of the Department of Justice, whose over-all work force at that time was 34 percent women.⁸ The report went on to note, however, "that LEAA can count no executive level women employees, no women in grades 16 through 18, only two GS-15's out of a total of 66, only 13 GS-14's out of 115, and only 21 GS-13's out of 127."⁹ Thus, it is clear that women employed by LEAA are not primarily in professional positions.

⁴ Ibid., p. 51.

⁵ Osa Coffey and Susan Ainslie, ACA Women--Who and Where They Are, CORRECTIONS TODAY, V. 41, N. 2 (March-April 1979), p. 14.

⁶ M. H. Schoonmaker and J. S. Brooks, Women in Probation and Parole, 1974, CRIME AND DELINQUENCY, V. 21, N. 2 (April 1975), p. 112.

⁷ Through a telephone survey conducted by a member of the research staff in the summer of 1979, it was determined that the four states listed as "holdouts" by Schoonmaker and Brooks (Illinois, Maine, Maryland, and North Carolina) now allow cross-sex supervision.

⁸ THE REPORT OF THE LEAA TASK FORCE ON WOMEN, Washington, D.C.: U.S. Department of Justice, Law Enforcement Assistance Administration, 1975, p. 29.

⁹ Ibid.

SUMMARY

Women have been and continue to be underrepresented among corrections employees. Between 1973 and 1979, the proportion of women in the corrections labor force increased slightly from 26.9 percent to 29.3 percent. The addition of 16,597 women accounted for only 37.1 percent of the reported increase in corrections employment. By comparison, women accounted for almost 64 percent of the increase in the employed civilian labor force.

According to EEO-4 survey data, women also continued to be concentrated in positions that are among the lowest paid and that offer the least career opportunities. In 1973, 64.7 percent of the women working in the field were in paraprofessional, clerical, or service/maintenance jobs; by 1979, the figure had dropped to 55.0 percent. That decrease was accounted for in large measure by the drop in the number of women classified as paraprofessionals.

Although women in corrections were clearly underrepresented in occupational groups other than paraprofessional and clerical, they did make some gains among those employed as professionals and technicians. In 1973, 22.6 percent of those in professional occupations and 16.2 percent of those in technical positions were women; by 1979 the figures had increased to 28.1 percent and 22.4 percent, respectively. Although the percentage of women classified as administrators declined slightly between 1973 and 1979, women constituted 14.9 percent of the administrators in 1979 as compared with 11 percent in 1973. Protective service occupations continued to have the smallest percentage of women. In 1973 women accounted for 9.2 percent of the employees in this category, and in 1979 the figure was 12.7 percent.

Only fragmentary data are available as to the types of settings in which women in corrections are working. It does seem clear, however, that women who are in other than support services occupations tend to be concentrated in facilities which serve women and juvenile offenders. To the extent that women work with adult male clients, it is as parole and probation officers and, to a lesser degree, as counselors in male institutions.

CHAPTER 4. DESCRIPTION OF FIELD STUDY FINDINGS

INTRODUCTION

If you want my candid opinion, there are no women in corrections...there are no women where it counts. Just look at any organizational chart--the women are all in positions at the bottom, working to keep the wheels moving. If there are any women in positions on up the chart, they're in those boxes appended to department chiefs--you know the kind: "Assistant to ..." or "Special Advisor to...." You just don't find women in the chain of command....

Those comments, by a woman employed in personnel work, tend to be supported by the analysis of EEO-4 survey data that indicated occupational segregation by sex has been and continues to be a dominant pattern in corrections employment. Equal opportunity programs and affirmative action plans have focused efforts at ending occupational segregation to provide women and minorities with access to better paying jobs and genuine career opportunities. The question remains, however, whether or not such programs are sufficient to eliminate the inequities that exist between women and men in the work environment. To be in a position with the potential for advancement clearly is not a guarantee that the potential will be realized. A number of factors which include organizational experiences as well as individual attributes will affect both the process and outcome. The importance of an individual's ability and motivation are recognized as critical to a successful career, but the degree to which a person receives appropriate training, is recognized for outstanding work, and is encouraged by others to seek more responsible positions will also have an impact on advancement.

The purpose of this chapter is to describe the findings of the field studies conducted among corrections employees in Maryland, Michigan, and South Carolina. Through questionnaire responses, the participants provided information about their personal attributes and their organizational experiences. Examination of the data will indicate the degree to which the women and men who took part in the studies differ with regard to those critical factors.

GENERAL CHARACTERISTICS OF THE SAMPLE

Sex and Race

A total of 362 women and 145 men who were employees of state and local corrections systems participated in the initial study in Maryland and in the subsequent field studies in Michigan and South Carolina. In each of the three states, women accounted for approximately 70 percent of the sample. As shown in Table 8, the majority of the participants were white. In both Michigan and

South Carolina, over 70 percent of the women and men were white, while in Maryland, they were almost evenly divided between black and white.

Table 8

PARTICIPANTS BY STATE, SEX, AND RACE

Sex and Race	Michigan		South Carolina		Maryland	
	Number	Percent	Number	Percent	Number	Percent
<u>Women</u>	117	100.0	132	100.0	113	100.0
White	91	77.8	94	71.2	57	50.4
Black	24	20.5	38	28.8	56	49.6
Other	2	1.7	0	0.0	0	0.0
<u>Men</u>	48	100.0	61	100.0	36	100.0
White	39	81.3	44	72.1	19	52.8
Black	6	12.5	17	27.9	17	47.2
Other	3	6.3	0	0.0	0	0.0

Occupational Distribution

The women and men who participated in the study represent the major occupational groups found in the field of corrections. For purposes of analysis, the participants in each of the three states are grouped by major occupational categories: (1) "Officials," which includes those with administrative responsibilities; (2) "Professionals," who are those providing counseling, education, medical, or other types of service to clients, and those who have operational responsibilities;¹ (3) "Security staff," which includes correctional officers and guards; and (4) "Support staff," which includes paraprofessionals, clerical and secretarial personnel, and service/maintenance workers.²

¹ Because of the small number of operational staff in each state sample, it was not feasible to establish a separate category for them.

² Approximately 96 percent of the employees in this category are engaged in clerical or secretarial work.

The occupational distribution of the participants in the three study states is shown in Table 9. The largest occupational category for both women and men is "professionals." In each of the states, almost 50 percent of the participants are in this category. For women, the second largest category is "support staff" and the third largest, "security staff." As might be expected, the smallest occupational group for women is "officials." Approximately 5 percent of the women in the Michigan and South Carolina samples are in administrative work; in the Maryland sample less than 2 percent of the women are in such positions.

Table 9

OCCUPATIONAL CATEGORIES, BY STATE AND SEX

Occupational Categories	Michigan		South Carolina		Maryland	
	Women	Men	Women	Men	Women	Men
Officials	6.0	29.2	5.3	31.1	1.8	11.4
Professionals	42.8	43.7	56.1	45.9	45.9	57.1
Security Staff	22.2	27.1	17.4	23.0	13.5	22.9
Support Staff	29.1	0.0	21.2	0.0	38.7	8.5
	N=117	N=48	N=132	N=61	N=111	N=35

Among the men in the Michigan and South Carolina samples, on the other hand, "officials" make up the second largest occupational category, accounting for about 30 percent of the male participants; only 11 percent of the men in the Maryland sample are in administrative roles. Approximately 23 percent of the men in each of the three states studied are in "security staff" positions. There are no men in "support staff" positions in either the Michigan or South Carolina samples, and only 9 percent of the men in the Maryland sample are in that category. Although the samples are skewed to underrepresent women in the "support staff," the data on occupational distribution show that women are as dominant in those positions as men are in administrative roles, and almost as absent from administrative positions as men are from support services.

Work Setting

As the data in Table 10 indicate, about three-fifths of the participants are working in institutional settings; most are employed in adult male prisons while the others are in women's prisons or in juvenile facilities. The remaining two-fifths are working in noninstitutional agencies, primarily in adult or juvenile parole/probation or in the administrative offices of state departments of corrections. The sampling procedure did not control the proportion of institution and noninstitution employees to be included and, therefore, the

Table 10

TYPE OF WORK SETTING, BY STATE, OCCUPATION, AND SEX

Type of Work Setting	Total		Official		Professional		Security Staff		Support Staff	
	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men
<u>Michigan</u>										
Institution	71.8	70.8	57.1	57.1	54.0	61.9	100.0	100.0	79.4	--
Noninstitution	28.2	29.2	42.9	42.9	16.0	38.1	0.0	0.0	20.6	--
	N=117	N=48	N=7	N=14	N=50	N=21	N=26	N=13	N=34	--
<u>South Carolina</u>										
Institution	60.6	62.3	14.3	36.8	54.1	60.6	100.0	100.0	57.1	--
Noninstitution	39.4	37.7	85.7	63.2	45.9	39.3	0.0	0.0	42.9	--
	N=132	N=61	N=7	N=19	N=74	N=28	N=23	N=14	N=28	--
<u>Maryland</u>										
Institution	41.4	48.6	50.0	25.0	30.0	35.0	100.0	100.0	41.9	33.3
Noninstitution	58.6	51.4	50.0	75.0	70.0	65.0	0.0	0.0	58.1	66.7
	N=111	N=35	N=2	N=4	N=50	N=20	N=16	N=8	N=43	N=3

states vary somewhat in that respect. In Maryland, the sample is almost evenly divided between institution and noninstitution employees while 70 percent of the sample in Michigan and 60 percent in South Carolina are employed in institutions.

Number of Years in Corrections

Data regarding the number of years the participants have been in the field of corrections make possible an interesting analysis of the employment tenure of the women. While it is apparent, judging from the data shown in Table 11, that most of the women studied are new to the field by comparison with their male counterparts, there is also evidence that women are somewhat more likely than men to remain in corrections, particularly after 10 or 11 years of service. This is clearly evident in South Carolina and, to some extent, in Maryland.

Table 11

NUMBER OF YEARS IN CORRECTIONS, BY STATE AND SEX

Number of Years	Michigan		South Carolina		Maryland	
	Women	Men	Women	Men	Women	Men
Less than 2 years	35.0	2.1	30.3	16.4	27.7	8.3
2 - 4 years	32.5	18.8	24.2	21.3	33.0	22.2
5 - 7 years	17.9	12.5	21.2	31.3	15.2	19.4
8 - 10 years	6.8	22.9	9.8	26.2	5.4	22.2
11 - 13 years	3.4	14.6	7.6	3.3	10.7	11.1
14 - 16 years	3.4	4.2	3.0	0.0	3.6	8.3
17 years and over	0.9	25.0	3.8	1.6	4.3	8.4
	N=117	N=48	N=132	N=61	N=112	N=36

Approximately 55 percent of the women in South Carolina, as compared with 38 percent of the men, have been in corrections for less than 5 years. On the other hand, almost 15 percent of the women in the South Carolina sample have been in the field for 11 years or more while only 5 percent of the men have that much seniority. In Maryland, over 60 percent of the women and only 30 percent of the men have been in the field for less than 5 years. At the same time, 29 percent of the women and 28 percent of the men have more than 11 years of service. The picture that emerges from an analysis of the data from

the Michigan sample is quite different, particularly with regard to those with 11 or more years of service. Over 67 percent of the women, compared with only 21 percent of the men, have been employed in corrections for less than 5 years. On the other hand, over 40 percent of the men have 11 or more years of seniority while less than 8 percent of the women have been in the field that long.

INDIVIDUAL ATTRIBUTES

Age

As the data in Table 12 indicate, almost 36 percent of the women in Michigan and 23 percent of the women in South Carolina are under 30 compared with only 15 percent of the men in Michigan and 23 percent of the men in South Carolina. In Maryland, approximately 44 percent of the women are under 30, while this is true of only 17 percent of the men. Despite the apparent "youth" of the women, it should be noted that among the participants who are 45 or older, the percentage of women is only slightly lower than that of men. In fact, in the Maryland study there is a larger percentage of the women in this age category than of men. Women thus seem to be well represented at both ends of the age spectrum.

Marital Status

The women in each of the three field studies are far less likely than the men to be married. For example, in the Michigan study, only 50 percent of the women are married, as compared with 90 percent of their male counterparts. In the South Carolina study, 54 percent of the women and 77 percent of the men report that they are married while in the Maryland study less than half of the women (46 percent) and 75 percent of the men do so. Over 20 percent of the women in each of the states report that they are separated or divorced; this is true of only 4 percent of the men in Michigan and about 13 percent of the men in South Carolina and Maryland.

Education

The data in Table 12 indicate that there are clear differences between women and men in their educational backgrounds. It is possible that these differences are actually reflections of occupational requirements; i.e., clerical positions require a high school degree only. In each of the states, the women participants are more likely than the men to have terminated their formal education after graduating from high school. This is particularly true in Maryland and South Carolina where the percentage of women with high school degrees is twice that of the men. At the same time, however, the data show that approximately the same percentage of women as of men have taken college courses or have a college degree. The men in each of the states studied are far more likely than the women to have some graduate education or a graduate degree. In both Michigan and South Carolina, 46 percent of the men have post-graduate education while this is true of only about 20 percent of the women.

Table 12

PERSONAL ATTRIBUTES OF THE PARTICIPANTS, BY STATE AND SEX

Personal Attributes	Michigan		South Carolina		Maryland	
	Women	Men	Women	Men	Women	Men
<u>Age</u>						
Under 15 years	11.1	2.1	10.6	3.3	11.5	2.9
25 - 29 years	24.8	12.5	22.0	19.7	32.7	14.3
30 - 34 years	19.7	14.6	24.2	26.2	15.0	42.9
35 - 39 years	12.0	20.8	15.9	13.1	15.0	17.1
40 - 44 years	4.3	10.4	8.3	11.5	7.1	8.6
45 - 49 years	10.3	10.4	7.6	8.2	8.0	5.7
50 years and over	17.9	29.2	11.4	18.0	10.6	8.6
	N=117	N=48	N=132	N=61	N=113	N=35
<u>Marital Status</u>						
Single	23.1	6.3	22.7	8.2	30.4	11.1
Married	49.6	89.6	53.8	77.0	46.4	75.0
Widowed	3.4	0.0	3.0	1.6	0.0	0.0
Separated/Divorced	23.9	4.2	20.5	13.1	23.2	13.9
	N=117	N=48	N=132	N=61	N=112	N=36
<u>Education</u>						
High School	26.8	20.9	25.2	9.8	38.1	19.5
Some College	33.6	10.4	31.3	24.6	19.5	22.2
College Degree	19.8	22.9	20.6	19.7	31.0	30.6
Some Graduate Courses	7.8	27.1	8.4	8.2	3.5	0.0
Graduate Degree	12.1	18.8	14.5	37.7	8.0	27.8
	N=116	N=48	N=131	N=61	N=113	N=36

Previous Occupational Field

As the data in Table 13 show, corrections employment does not constitute a "first career" for the majority of the participants and particularly the women. Over two-thirds of both women and men report that before entering the corrections field they had been employed elsewhere. Civil service and private industry employment figure prominently in the occupational histories of the participants with a larger percentage of women than of men coming to corrections from those areas. As might be expected, military service is also frequently the previous employment of a number of the men, and in the South Carolina study, that is true of over 20 percent of the men. It is of particular importance, however, to note that men are more likely than women to have come to corrections from school; to the extent that this represents initial employment, it seems that men are somewhat more likely than women to have chosen corrections as a "first career."

The pathways that lead to corrections employment are almost as numerous as those who follow them. For the men in the study, movement into the field tended to be a more conscious, directed effort than it was for the woman. In general, most men applied through civil service specifically for a position in corrections, often at the suggestion or recommendation of a friend. For the women, on the other hand, employment in corrections may have had more of the element of "surprise." As one woman explained it:

I was in the post office one day and saw a notice about the civil service exams and decided to give it a shot.... Little did I know this is where it would lead me.

A similar reaction was expressed by another young woman:

I'd just gotten my B.A. and I must have sent out a thousand letters asking someone to please hire me and, well,... here I am.

At the opposite end of the spectrum, however, are the women who entered corrections in upper-level positions through active recruitment:

I'd done quite a bit of volunteer work...in the institutions in the area and had gotten to know a number of the officials.... I think when they created this position, my name was just naturally one of several that came to mind as qualified to do the job.

Reasons for Taking a Position in Corrections

In addition to being asked to indicate their occupations before being employed in corrections, the participants were asked to cite the "two most important reasons" for taking a position in the field. As indicated by the data in Table 14, "an interest in corrections and a desire to work in the field" is the reason most frequently cited by the men. In each of the case

Table 13

PREVIOUS OCCUPATION, BY STATE AND SEX

Michigan

Women	Men
Private Industry (35.8%)	Civil Service (27.7%)
Civil Service (31.1%)	Private Industry (25.5%)
Student (17.9%)	Student (25.5%)
Housewife (8.5%)	Educator (10.6%)
Educator (4.7%)	Military Service (6.4%)
Unemployed (1.9%)	Unemployed (4.3%)
Other (0.0%)	Other (0.0%)

South Carolina

Women	Men
Private Industry (32.5%)	Student (27.1%)
Civil Service (25.2%)	Private Industry (25.4%)
Student (20.3%)	Military Service (20.3%)
Educator (10.6%)	Civil Service (11.9%)
Housewife (8.1%)	Educator (10.2%)
Unemployed (1.6%)	Unemployed (5.1%)
Other (1.6%)	Other (0.0%)

Maryland

Women	Men
Civil Service (35.7%)	Private Industry (44.1%)
Private Industry (31.6%)	Civil Service (26.5%)
Student (22.4%)	Student (14.7%)
Educator (6.1%)	Military Service (11.8%)
Housewife (3.1%)	Educator (2.9%)
Military Service (1.0%)	Unemployed (0.0%)
Unemployed (0.0%)	Other (0.0%)
Other (0.0%)	

Table 14

REASONS FOR TAKING A POSITION IN CORRECTIONS, BY STATE AND SEX

Michigan

Women	Men
New/improved career opportunities (45.7%)	Interest in corrections/desire to work in the field (59.6%)
Good salary (42.2%)	New/improved career opportunities (36.2%)
Interest in corrections/desire to work in the field (41.4%)	Job security (19.1%)
Job security (26.7%)	Good salary (17.0%)
Location, hours (15.5%)	Location, hours (14.9%)
Availability (10.3%)	Availability (14.9%)

South Carolina

Women	Men
Interest in corrections/desire to work in the field (47.7%)	Interest in corrections/desire to work in the field (60.7%)
New/improved career opportunities (47.0%)	New/improved career opportunities (36.1%)
Location, hours (27.3%)	Availability (21.3%)
Availability (22.0%)	Location, hours (16.4%)
Good salary (20.5%)	Good salary (6.6%)
Job security (12.1%)	Job security (6.6%)

Maryland*

Women	Men
New/improved career opportunities (50.0%)	Interest in corrections/desire to work in the field (60.7%)
Interest in corrections/desire to work in the field (40.0%)	Job security (36.1%)
Good salary (35.5%)	New/improved career opportunities (30.0%)
Job security (34.5%)	Good salary (27.8%)
Location, hours (28.2%)	Availability (16.7%)
Availability (18.2%)	Location, hours (5.6%)

*Note: The Maryland data are not comparable. Participants were permitted to select more than two responses.

studies,³ at least 60 percent of the men selected this response; the second most frequently cited reason, "new or improved career opportunities," was chosen by only 36 percent of the men. Among the women, however, "... career opportunities" tended to be as important a consideration as "an interest in corrections and a desire to work in the field."

When I was first contacted about a job in (corrections) I said to myself "no way...." But the more I thought about it, the more I felt that maybe this was my chance--you know, if there aren't many women in the field maybe I'd have an opportunity to prove myself and move up.... Besides, it sounded like anything but dull work....

In addition to "career opportunities" and "an interest in corrections," "good salary" and "job security" are far more important reasons for women in their choice of a position in corrections than they are for men. Not uncommon was the comment of one woman correctional officer:

...in my own right, I feel I would not be a correctional officer had they paid enough money in the secretarial pool. Being a divorced woman with children, I just had to have more money.... That was my main reason for coming here but I don't think I'd change now for anything....

PERCEPTIONS OF EQUALITY

Some indication of the differences that exist between women and men in their organizational experiences emerge from an analysis of responses to a series of statements regarding equality in various aspects of employment. The participants were asked to indicate agreement or disagreement with a series of statements dealing with various aspects of equality.

An important issue in the employment of women in corrections is their ability to work in the field. As the data in Table 15 indicate, the women in the study are nearly unanimous in their agreement with the statement, "Women are as able to handle the responsibilities of my position as men." Approximately 30 percent of the men in Michigan and Maryland and 15 percent in South Carolina disagree. This is a particularly controversial issue when having women work as correctional officers in male prisons is under consideration. However, as one woman who is employed in such a position commented:

Number 1, I think it should be realized and recognized that corrections is not a physical job.... I'd go so far as to say 80% to 90% of the job is mental. Sure, it's taxing, it's nerve-

³ In the Maryland study, participants were asked to indicate as many reasons as were applicable, so their responses are not strictly comparable. However, as the data in Table 14 indicate, the rank ordering of reasons given by the Maryland participants is quite similar to that shown for those in Michigan and South Carolina.

Table 15

AGREEMENT WITH STATEMENTS ON EQUALITY, BY STATE AND SEX

Statements on Equality	Michigan		South Carolina		Maryland	
	Women	Men	Women	Men	Women	Men
Agency has a strong record in hiring as many women for higher level positions as men.	37.5	60.5	29.8	42.1	33.0	58.6
Agency has a strong record for promoting women to supervisory positions.	41.9	61.9	34.9	55.9	NA	NA
Women seem to receive the same opportunities for promotion as men.	45.8	79.5	41.6	71.2	57.3	75.8
Women are as likely to have the support of a "mentor" as are the men.	44.9	71.8	51.3	71.9	63.4	88.5
Women seem to receive recognition for excellence in work performance on an equitable basis with men.	49.5	86.4	57.3	82.5	61.9	90.6
Agency has a strong record in hiring as many women for entry-level positions as men.	48.0	65.9	61.0	65.5	77.5	66.7
Women are given the same opportunities for promotion oriented training as men.	54.5	90.7	61.0	94.6	73.3	81.3
Women are given the same opportunities for job enrichment training as men.	67.6	91.1	72.4	93.1	79.8	86.7
Women are paid "equal salaries for equivalent work."	78.8	92.7	73.5	98.3	86.7	87.9
Women and men are equally able to handle the responsibilities of my present position.	95.7	71.1	95.7	85.0	93.9	71.9

wracking, it puts you through a lot of changes, but it's not physical. Women are just as capable of handling it as the men.... Sure, maybe a woman couldn't go out there and meet with an inmate physically if it came to that, but that's true for a lot of the male officers here too.

Judging from the comments of several men, it is possible that disagreement with the statement about the ability of women reflects the respondents' views of the suitability of women to perform a job rather than their ability to do so. The following is representative of the comments:

...if females work with female criminals, that's O.K.--I got no problem with that--but females working with male criminals is out. They're gonna get abused--either physically or verbally--and a real lady just wouldn't and shouldn't put up with that.

Differences in the perceptions of the ability of women to work in the field tend to carry over to perceptions of the equality of experiences and opportunity that exist in corrections employment. As the data in Table 15 show, the men are far more likely than the women to perceive that women and men are treated equally. However, even the men tend to share with the women the perception that there is greater equity in pay and training opportunities than in hiring practices, promotional opportunities, or recognition received for outstanding work performance.

Among both men and women, the lowest levels of agreement are registered for the statement: "This agency/institution has a strong record in hiring women for upper-level positions." While the inequity is generally recognized, there are different reactions to it as the following comments by two women correctional officers indicate.

Let's face it, corrections is one of the more traditional-type fields. It's one of the last bastions of male dominance.... There's no way in the world they would hire or appoint a woman to a high level job that would infringe on their control....

Personally, I'd hate to see a woman hired directly into some high level job. Corrections is a field in which you work your way up. And in a way, it should be.... I think you need the ground work. ...To say to a woman "O.K., we're gonna hire you for this big job because you're a female" is wrong. She'll probably fall flat on her face--and we've got enough males around here that do that.

It is interesting that in considering the statement, "This agency/institution has a strong record in hiring as many women for entry-level positions as men," the male respondents seem relatively more sensitive than the women to the inequities. In level of agreement, it ranks eighth among the men in all three states. Among the women in South Carolina and Maryland, it is fourth highest, and among their counterparts in Michigan, it is sixth. Acknowledgment of inequities in this area, however, does not necessarily imply that the respondents feel the situation should be remedied. As one man expressed it:

There's no way a penitentiary like this can hire a lot of women. ...There's only so much they can do and right now we got too many of them. They've taken over all the good posts, and the men don't like it one bit.

A woman working in parole/probation commented on the issue from a different perspective:

...to be honest, we're seeing more women than men being hired. I think the powers-that-be are getting a little nervous about the possibility that this will turn into a predominantly female field. ...

Another area in which there is concern about unequal treatment of women and men is that of recognition and/or encouragement to move up in the organization. This concern is reflected in the responses to two of the statements; one focuses on recognition for excellent work performance while the other deals with the support of a "mentor." There is some variation among the participants with regard to the statement: "Women seem to receive recognition for excellence in work performance on an equitable basis with men." It ranks fifth among the women in Michigan and is sixth and seventh among women in South Carolina and Maryland respectively. Among the men, on the other hand, the rankings range from first in Maryland to fifth in South Carolina. To some degree, the variations in perception on this issue may be accounted for by differences in interpretation.

The little certificates they hand out are fine but they don't really mean a whole lot. What needs to be considered is basic attitude.... Just to give you an example, a guy gets transferred in here (central office) from the field and the big question is, "What's he being groomed for?" But let a woman get transferred here and the question becomes "Who's she been sleeping with?" Everybody just assumes the guy's got ability but not the woman. ...

If by "recognition" you mean nice letters in my personnel file, I've got my share... But in the sense that salary and grade denote "recognition," I'm under-recognized.

The issue of "mentorship," or having someone with organizational influence take an interest in one's career, is particularly problematic. Approximately 70 percent of the participants indicated that the support of a mentor is important to achieving career goals.

Civil Service is such a maze to go through. You have to be very fortunate to get to the right door. Once you get to that door where do you go from there? I think you need somebody...who'll tell you what's available, what move you should make next. If additional training is needed then you should at least be told....

There is, however, a noticeable difference in perceptions of the likelihood that women as well as men have such support. Quite clearly, women are less likely than men to perceive that there is equality in this area.

...with the right support you can fly like a jet. The only thing is that all the good pilots are men, and they don't seem to be interested in taking on any female passengers.

In addition, the women are likely to express some concern about how having a mentor would be interpreted.

If you're a man, you can be a pal and a buddy you and go hunting or fishing or drinking.... But if you're a female, there's a very different connotation.

To be sure, a few women report that their experiences have been good. For one respondent, it was a question of being in the right place.

...a lot of decisions about, for want of a better word, "promotions," are made here and if you're here, you're very visible--both your deficits and your attributes are much more easily seen by the people making those decisions.

Promotional opportunities, particularly opportunities to move to supervisory positions, are the area in which perceived inequities evoke the greatest response among the women. As the data in Table 15 indicate, the statements regarding equality in promotions rank near the bottom of the list among both men and women, but because women are the ones at a disadvantage they were also the most vocal. Repeatedly, in informal conversations and in interviews, the women spoke at length about promotional opportunities. In some cases, the comments focused on problems that attach to occupational stereotypes. This is particularly true of women in support services and clerical positions. One woman who has managed to move out of the clerical field and into a high level position had this advice for other women who want to do the same.

Anybody who comes to me for advice, I say, "Quit your secretarial job--you know, if you're going for your degree--quit your secretarial job, get the degree, and then come back as a professional." I speak from my own viewing of the person who comes out of college as a professional and the person who works her way up, so to speak, through the rank-and-file.... I'm not bitter because I've nothing to be ashamed of--I just think it's a serious problem. A lot of people feel that once you're a clerical, you're good for nothing else.

Among women in security work, on the other hand, the major concerns tend to be with the restraints that prevent them from gaining the experience necessary to qualify for advancement.

Basically, I like my job and I feel I'm pretty good at it--my supervisor even told me he'd like to have a hundred more officers like me provided they were all men. But I do get discouraged.... In order to move up, I'd have to work in housing, and women aren't allowed to do that. I'm really at a standstill, and I have a lot of years ahead of me.

Those comments reflect the shades of discrimination that women feel they face. In other cases, however, the comments focused directly on sex discrimination. The following is typical:

Women just haven't got a chance in corrections. I've been here four years, and I've seen guys who are totally incompetent get promoted while highly qualified women get passed over.... It's hard enough for a woman to get men to work with her much less work for her. I can't see that the attitude will ever change--it certainly won't happen in my lifetime.

However, it should be noted that not all the women in the studies share that view.

I really feel it's just a matter of time before women start appearing in top positions. I think women just have to be patient because there isn't a great deal of turnover in those positions. We also have to be willing to pay our dues, so to speak, and that takes time....

ORGANIZATIONAL FACTORS

Perceptions of a situation, particularly one of such an emotional nature as dimensions of equality, often are not in agreement with reality. In the following section, data on the actual organizational experiences of the participants will be examined. Specifically, attention will be given to five areas: salary, length of time in current position, training, recognition for work performance, and encouragement to apply for more responsible positions.

Salary

In no other area of organizational experience are the differences between the women and men participants more apparent than in that of annual salary. As indicated by the data in Table 16, the overall salary levels in the three states vary somewhat. The annual salaries reported by both women and men in the Michigan study are considerably higher than in the other two states. However, the disparities in annual salaries between women and men remain very similar in each state. In both Maryland and South Carolina the median salary for women is in the \$10,000 to \$12,999 per year range while for the men it is between \$13,000 and \$15,999. In Michigan, the median salary for women is between \$13,000 and \$15,999, but for their male counterparts, it is in the \$16,000 to \$24,999 per year range. The differences in annual salary appear even more dramatic when it is noted that over 60 percent of the women in both the Maryland and South Carolina studies earn less than \$13,000 per year while over 60 percent of the men earn in excess of that amount. In the Michigan study, 71 percent of the women earn less than \$16,000 per year while 85 percent of the men earn in excess of \$16,000.

As can also be seen in Table 16, the differences in annual salary tend to hold even when the data are controlled for occupation. For example, among those in "professional" positions, the median salary for women is approximately \$3,000 lower than it is for men. Salaries appear to be fairly equitable among women and men who are in "official" positions. This is also true to some extent among those who are in "security staff" occupations, although a somewhat higher percentage of the women than of the men are found in the lowest levels of the salary range and a higher percentage of men than women in the upper levels. It should also be noted that in each of the states studied, the median salary of those in "support staff" positions is at least \$3,000 per year lower

Table 16

ANNUAL SALARY, BY STATE, OCCUPATION, AND SEX

Annual Salaries	Total		Official		Professional		Security Staff		Support Staff	
	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men
<u>Michigan</u>										
\$ 9,999 or less	11.1	0.0	0.0	0.0	6.0	0.0	8.0	0.0	23.5	--
\$10,000 - \$12,999	32.8	4.2	0.0	0.0	18.0	0.0	40.0	15.4	59.9	--
\$13,000 - \$15,999	26.7	10.4	0.0	0.0	30.0	4.8	36.0	30.8	20.6	--
\$16,000 - \$24,999	25.9	60.4	57.1	64.3	44.0	66.7	16.0	46.2	0.0	--
\$25,000 plus	3.4	25.0	42.9	35.7	2.0	28.6	0.0	7.7	0.0	--
	N=116	N=48	N=7	N=14	N=50	N=21	N=25	N=13	N=34	N=00
<u>South Carolina</u>										
\$ 9,999 or less	27.2	9.8	0.0	0.0	12.2	10.7	43.5	21.4	60.7	--
\$10,000 - \$12,999	37.1	26.2	0.0	0.0	40.5	25.0	43.5	64.3	32.1	--
\$13,000 - \$15,999	20.5	14.3	14.3	15.8	29.7	17.9	8.7	7.1	7.1	--
\$16,000 - \$24,999	15.2	34.4	85.7	57.9	17.6	32.1	4.3	7.1	0.0	--
\$25,000 plus	0.0	14.8	0.0	26.4	0.0	14.3	0.0	0.0	0.0	--
	N=132	N=61	N=7	N=19	N=74	N=28	N=23	N=14	N=28	N=00
<u>Maryland</u>										
\$ 9,999 or less	20.4	8.6	0.0	25.0	4.0	10.0	0.0	0.0	48.8	0.0
\$10,000 - \$12,999	41.7	20.0	0.0	0.0	40.0	15.0	33.3	25.0	48.8	66.7
\$13,000 - \$15,999	21.3	28.6	0.0	0.0	26.0	20.0	60.0	62.5	2.4	33.3
\$16,000 - \$24,999	16.7	40.0	100.0	50.0	30.0	55.0	6.7	12.5	0.0	0.0
\$25,000 plus	0.0	2.9	0.0	25.0	0.0	0.0	0.0	0.0	0.0	0.0
	N=108	N=35	N=2	N=4	N=50	N=20	N=15	N=8	N=41	N=3

than for men or women in other categories. In light of the differences in annual salary, it is interesting to note that very few of the women interviewed focused on this area in their comments. To the extent that they did so it was in the context of having to perform work over and above that associated with their position and not receiving a commensurate salary.

My boss' position came open in 1973, and I wasn't allowed to apply because I was a woman. Now I have a man over me.... I do the work, and he gets the credit and the money. I've been here almost 20 years. I have to work because my husband is disabled. Because I have to work, I won't cause a stink, but 10 years ago I would have....

Length of Time in Current Position

One could make the case that the differences in salary are the result of differences in time on the job rather than sex differences, i.e., that annual salary reflects the length of time an individual has been in a position. This point appears to have some merit, particularly in Michigan. The data shown in Table 17 indicate that almost 74 percent of the women, compared with only 29 percent of the men, have been in their current jobs for less than 3 years. On the other hand, when the data for Maryland and particularly for South Carolina are considered, the impact of length of time on differences in annual salary becomes questionable. It will be noted that over 50 percent of the women and men in both states have been in their present positions for less than three years. While the women as a group tend to have been in their jobs a shorter period of time than the men, the differences are not great. In addition, when the data are controlled for occupation, the differences in length of time tend to diminish. One reason is that those in "support staff" positions, almost all of whom are women, tend to be the "short-timers" in each of the states. Over two-thirds of them have been in their current jobs less than three years.

In general, it is among the "professionals," the largest of the occupational groups, that the differences between women and men in length of time in their present positions are the smallest. In Maryland, over 68 percent of the men, compared with 74 percent of the women, have been in professional positions for less than 3 years. In South Carolina, the same is true for approximately 58 percent of the women and 46 percent of the men in the "professional" positions. Thus, while there are differences in length of time in present positions, they do not seem sufficient to account for the \$3,000 difference in median salary between women and men in "professional" positions.

Training Provided by the Organization

One factor that is basic to good work performance and promotion potential is adequate training. For this reason, the participants in the field studies were asked a series of questions that focused on the amount of training they had had in their current positions.

Employees in the corrections field are provided with a variety of training experiences covering a wide range of issues. Of particular interest in this study, however, is training designed to provide job enrichment and/or preparation for promotion.

Table 17

LENGTH OF TIME IN CURRENT POSITION, BY STATE, OCCUPATION, AND SEX

Time in Current Position	Total		Official		Professional		Security Staff		Support Staff	
	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men
<u>Michigan</u>										
Less than 1 year	33.3	4.2	14.3	0.3	30.0	4.8	50.0	7.7	29.4	--
1 - 2 years	40.2	25.0	57.1	21.4	40.0	23.8	34.6	30.8	41.2	--
3 - 5 years	18.8	37.5	14.3	35.7	22.0	38.1	7.7	38.5	23.5	--
6 - 9 years	4.3	18.8	0.0	21.4	2.0	19.0	7.7	15.4	5.9	--
10 years plus	3.4	14.6	14.3	21.4	6.0	14.3	0.0	7.7	0.0	--
	N=117	N=48	N=7	N=14	N=50	N=21	N=26	N=13	N=34	N=00
<u>South Carolina</u>										
Less than 1 year	36.4	36.1	42.9	47.4	33.8	25.0	34.8	42.9	42.9	--
1 - 2 years	28.8	19.7	28.6	15.8	24.3	21.4	34.8	21.4	35.7	--
3 - 5 years	20.5	27.9	28.6	26.3	23.0	32.1	17.4	21.4	14.3	--
6 - 9 years	7.6	11.5	0.0	10.5	9.5	17.8	8.7	0.0	3.6	--
10 years plus	6.8	4.9	0.0	0.0	9.5	3.6	4.3	14.3	3.6	--
	N=132	N=61	N=7	N=19	N=74	N=28	N=23	N=14	N=28	N=00
<u>Maryland</u>										
Less than 1 year	38.0	24.2	0.0	0.0	44.9	36.8	26.7	12.5	35.7	0.0
1 - 2 years	30.6	27.3	50.0	0.0	28.6	31.6	33.3	25.0	31.0	33.3
3 - 5 years	20.4	21.2	0.0	33.3	16.3	15.8	20.0	25.0	26.2	33.3
6 - 9 years	6.5	15.2	0.0	66.7	4.1	15.8	13.3	0.0	7.1	0.0
10 years plus	4.6	12.1	50.0	0.0	6.1	0.0	6.7	37.5	0.0	33.3
	N=108	N=33	N=2	N=3	N=49	N=19	N=15	N=8	N=42	N=3

The data contained in Table 18 indicate that, in each of the study states, a larger proportion of men than women report having received such training. The data for Michigan is more pronounced in this respect than the data for the other two states. Almost 67 percent of the women in the Michigan sample report they have received no training as compared with only 13 percent of their male counterparts. In Maryland, over half of the women and 38 percent of the men indicate they have not received training, while in South Carolina, 39 percent of the women and 28 percent of the men do so. As we have seen before, the differences between women and men tend to hold when the data are controlled for occupation. Even among those in "security staff" positions who are the most likely of all corrections employees to report having received training, there is a difference between women and men. Again, this is most apparent in Michigan. It is also clear from the data in each of the states studied that the occupational group least likely to receive job-enrichment and/or promotion-oriented training is the "support staff." In Michigan, about 91 percent of the women in support staff positions report that they have received no training; in Maryland, 71 percent, and in South Carolina, about 62 percent do so.

Self-Initiated Training/Education⁴

Job-enrichment and promotion-oriented training are generally obtained through employee initiative with the permission of management and taken during regular working hours. To that extent, training opportunities reflect an interest on the part of management in investing time and money to enable employees to better perform their responsibilities or to prepare for new ones. In the present study, an effort was made to assess the employees' commitment to achieve the same objectives through additional training undertaken outside of working hours and at their own expense. Given the unusual working hours characteristic of corrections employment and the relatively low salaries, particularly in South Carolina, it is somewhat surprising to note that about a third of the women and approximately half of the men indicated that they have taken additional training and/or formal education programs on their own. Overall, there is a clear difference between women and men. But it should be noted, as the data in Table 19 indicate, that in South Carolina, a far larger percentage of women in "official" and "professional" positions have undertaken additional training and education than of men in such positions. The same is also true of women in the "professional" and "security staff" occupations in Michigan.

Recognition and Encouragement

Another indicator of the degree to which an individual is viewed as an important member of an organization is the recognition and encouragement he or she is accorded. As one woman expressed it, they "shape your opinion and what you're capable of."

The participants in each of the field studies were asked if they had received any formal recognition for their work in the form of a letter of

⁴ There were no questions relative to this topic in the questionnaire administered to the participants in the Maryland case study.

Table 18

TRAINING PROVIDED BY THE ORGANIZATION, BY STATE, OCCUPATION, AND SEX

Job-enrichment and/or Promotion-oriented Training	Total		Official		Professional		Security Staff		Support Staff	
	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men
<u>Michigan</u>										
No training	66.7	12.8	28.6	0.0	60.0	20.0	60.0	15.4	90.6	--
Some training	33.3	87.2	71.4	100.0	40.0	80.0	40.0	84.6	9.4	--
	N=114	N=47	N=7	N=14	N=50	N=20	N=25	N=13	N=32	N=00
<u>South Carolina</u>										
No training	39.4	27.6	42.9	12.5	27.9	42.9	17.4	14.3	61.5	--
Some training	60.6	72.4	57.1	87.5	72.1	57.1	82.6	85.7	38.5	--
	N=127	N=58	N=7	N=16	N=61	N=28	N=23	N=14	N=26	N=00
<u>Maryland</u>										
No training	55.1	38.2	50.0	75.0	42.9	25.0	53.3	62.5	70.7	100.0
Some training	44.9	61.8	50.0	25.0	57.1	75.0	46.7	37.5	29.3	0.0
	N=107	N=34	N=2	N=4	N=49	N=20	N=15	N=8	N=41	N=2

Table 19

SELF-INITIATED TRAINING/EDUCATION, BY STATE, OCCUPATION, AND SEX

Training/Education	Total		Official		Professional		Security Staff		Support Staff	
	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men
<u>Michigan</u>										
No training	66.7	53.5	57.1	33.3	36.8	55.0	68.0	85.0	90.9	--
Some training	33.3	46.5	42.9	66.7	63.2	45.0	32.0	15.0	9.1	--
	N=114	N=43	N=7	N=12	N=49	N=18	N=25	N=13	N=33	N=00
<u>South Carolina</u>										
No training	65.0	41.5	33.3	41.2	26.8	45.2	88.9	63.6	80.8	--
Some training	35.0	58.5	66.7	58.8	73.2	54.8	11.1	36.4	19.2	--
	N=117	N=53	N=6	N=17	N=67	N=25	N=18	N=11	N=26	N=00

commendation, a cash award, or both. The data in Table 20 show that while over half of all the participants report that they have not received such recognition, the women are far more likely not to have such recognition than the men. Recognition seems to be most equitable among those in "official" roles or in "security staff" work--and least equitable among women and men in "professional" occupations. In each of the states studied, the percentage of women in "professional" positions and those in "support staff" occupations who have not received any formal recognition exceeds the average. While relatively few of the participants report that they have received any formal recognition for their work, a larger number indicate that they have been encouraged by others, supervisors and/or coworkers, to apply for more responsible positions. However, as indicated by the data in Table 21, a larger proportion of men than of women report having received such encouragement. The difference is most apparent among the participants in the Michigan study; only 39 percent of the women as compared with 54 percent of the men report that they have received such encouragement. The Maryland participants are the most likely to have received some encouragement to apply for more responsible positions. Even there, however, men are more likely to report such encouragement than women. An interesting exception to this trend is apparent in the South Carolina study where 56 percent of the women and 53 percent of the men report that they have received such encouragement.

When the data are controlled for occupation, it is clear that, as in the case of formal recognition, women in "professional" and in "support staff" positions tend to be the least likely to receive encouragement to move up in the organization.

IMPACT OF ORGANIZATIONAL FACTORS

The degree to which employees are and perceive themselves to be valued members of an organization must logically have some impact on their job satisfaction and on their career objectives. It is not surprising, therefore, that there are major differences between women and men in their responses to questions dealing with these two areas.

Attractive/Unattractive Aspects of Current Position

As a means of exploring the dimensions of job satisfaction, the participants were asked to indicate the "two most attractive aspects" and the "two most unattractive aspects" of their present positions. The data contained in Table 22 and Table 23 show how the various aspects are ranked by the women and men in each sample.⁵

⁵ Data from the Maryland study are not comparable with those from Michigan and South Carolina. In the questionnaires used in the Maryland study, participants were asked to check as many responses as were applicable, while in the revised questionnaire, participants were asked to cite only two aspects. Also, in the Maryland questionnaire "salary" and "hours" were listed as one response. The data from the Maryland study, however, are included for purposes of information.

Table 20

FORMAL RECOGNITION, BY STATE, OCCUPATION, AND SEX

Formal Recognition	Total		Official		Professional		Security Staff		Support Staff	
	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men
<u>Michigan</u>										
No recognition	82.1	62.5	57.1	42.9	84.0	66.7	76.9	76.9	88.2	--
Some recognition	17.9	37.5	42.9	57.1	16.0	33.3	23.1	23.1	11.8	--
	N=117	N=48	N=7	N=14	N=50	N=21	N=26	N=13	N=34	N=00
<u>South Carolina</u>										
No recognition	56.9	50.8	42.9	47.4	68.9	57.1	47.8	42.9	78.6	--
Some recognition	34.1	49.2	57.1	52.6	31.1	42.9	52.2	57.1	21.4	--
	N=132	N=61	N=7	N=19	N=74	N=28	N=23	N=14	N=28	N=00
<u>Maryland</u>										
No recognition	77.1	57.1	50.0	25.0	82.0	50.0	73.3	75.0	73.8	100.0
Some recognition	22.0	42.9	50.0	75.0	18.0	50.0	26.7	25.0	26.2	0.0
	N=109	N=35	N=2	N=4	N=50	N=20	N=15	N=8	N=42	N=3

Table 21

ENCOURAGEMENT, BY STATE, OCCUPATION, AND SEX

Encouragement	Total		Official		Professional		Security Staff		Support Staff	
	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men
<u>Michigan</u>										
No encouragement	61.5	45.8	42.9	50.0	68.0	52.4	53.8	30.8	61.8	--
Some encouragement	38.5	54.2	57.1	50.0	32.0	47.6	46.2	69.2	38.2	--
	N=117	N=48	N=7	N=14	N=50	N=21	N=26	N=13	N=34	N=00
<u>South Carolina</u>										
No encouragement	43.9	47.5	42.9	68.4	51.4	42.9	30.4	28.6	35.7	--
Some encouragement	56.1	52.5	57.1	31.6	48.6	57.1	69.6	71.4	64.3	--
	N=132	N=61	N=7	N=19	N=74	N=28	N=23	N=14	N=28	N=00
<u>Maryland</u>										
No encouragement	37.6	25.7	0.0	25.0	38.8	30.0	33.3	12.5	39.5	33.3
Some encouragement	62.4	74.3	100.0	75.0	61.2	70.0	66.7	87.5	60.5	66.7
	N=109	N=35	N=2	N=4	N=49	N=20	N=15	N=8	N=43	N=3

Table 22

MOST ATTRACTIVE ASPECTS OF PRESENT POSITION, BY RANK ORDER AND SEX

Michigan

Women	Men
Diversity/challenge of work (74.1%)	Diversity/challenge of work (79.2%)
Salary, benefits, etc. (48.3%)	Salary, benefits, etc. (39.6%)
Relationships with coworkers (25.9%)	Relationships with clients (25.0%)
Relationships with clients (19.8%)	Relationships with coworkers (20.8%)
Working hours (11.2%)	Working hours (8.3%)
Relationships with supervisors (8.3%)	Relationships with supervisors (8.3%)

South Carolina

Women	Men
Diversity/challenge of work (64.1%)	Diversity/challenge of work (72.1%)
Salary, benefits, etc. (30.5%)	Relationships with coworkers (44.3%)
Relationships with coworkers (26.0%)	Relationships with clients (23.0%)
Relationships with clients (25.2%)	Salary, benefits, etc. (14.8%)
Working hours (21.4%)	Working hours (14.8%)
Relationships with supervisors (18.3%)	Relationships with supervisors (13.1%)

Maryland*

Women	Men
Diversity/challenge of work (66.4%)	Diversity/challenge of work (71.4%)
Benefits: salary, hours, etc. (56.4%)	Relationships with coworkers (65.7%)
Relationships with coworkers (50.9%)	Relationships with supervisors (51.4%)
Relationships with supervisors (41.8%)	Benefits: salary, hours, etc. (42.9%)
Relationships with clients (34.5%)	Relationships with clients (40.0%)

* The Maryland data are not comparable. See Footnote #5.

Table 23

MOST UNATTRACTIVE ASPECTS OF PRESENT POSITION, BY RANK ORDER AND SEX

Michigan

Women	Men
Workload (37.6%)	Workload (54.2%)
Relationships with supervisors (28.2%)	Working hours (31.3%)
Danger involved in work (20.5%)	Unchallenging nature of work (16.7%)
Working hours (18.8%)	Danger involved in work (16.7%)
Unchallenging nature of work (17.1%)	Relationships with coworkers (10.4%)
Salary, benefits, etc. (16.2%)	Salary, benefits, etc. (10.4%)
Relationships with coworkers (15.4%)	Relationships with clients (8.3%)
Relationships with clients (9.4%)	Relationships with supervisors (8.3%)

South Carolina

Women	Men
Salary, benefits, etc. (34.1%)	Salary, benefits, etc. (42.6%)
Workload (33.3%)	Workload (36.1%)
Unchallenging nature of work (24.2%)	Working hours (21.3%)
Danger involved in work (22.0%)	Danger involved in work (19.7%)
Relationships with supervisors (15.2%)	Relationships with clients (14.8%)
Working hours (13.6%)	Relationships with supervisors (14.8%)
Relationships with coworkers (8.3%)	Unchallenging nature of work (13.1%)
Relationships with clients (4.5%)	Relationships with coworkers (1.6%)

Maryland*

Women	Men
Heavy volume of work (36.4%)	Heavy volume of work (57.1%)
Salary, hours, etc. (29.1%)	Salary, hours, etc. (25.7%)
Unchallenging nature of work (17.3)	Danger involved in work (22.9%)
Danger involved in work (12.7%)	Unchallenging nature of work (17.1%)
Relationships with coworkers (10.0%)	Relationships with coworkers (5.7%)
Relationships with clients (9.1%)	Relationships with clients (5.7%)
Relationships with supervisors (0.9%)	Relationships with supervisors (0.0%)

* The Maryland data are not comparable. See Footnote #5.

The data indicate that for both women and men, "diversity/ challenge of the work" is the most frequently cited "attractive" aspect of their present position. This is true even though a higher percentage of men than women in each state selected it. Among the remaining possibilities, there are notable differences between women and men in the importance given to them.

In each of the field studies, for women, "salary, benefits, etc." ranks a very high second as an "attractive" aspect of their current position. That is not surprising in view of the importance given to "good salary" as a reason many of the women chose corrections employment. "Relationships with coworkers" ranks a distant third among "attractive" aspects; only about 26 percent of the women in Michigan and South Carolina selected that alternative. "Relationships with clients" ranks fourth and, among the women in South Carolina, it is only slightly below that of "relationships with coworkers."

By comparison, the ranking of these three "attractive" aspects by the men is quite different. Only in Michigan do the choices of the men parallel those of the women. Among the men in South Carolina, "relationships with co-workers" rather than "salary, benefits, etc." ranks second and a very high second at that. At the same time, for those men, "salary, benefits, etc." ranks fourth. The ranking assigned by the men to "relationships with clients" varies somewhat, but, in general, men are more likely than women to rate it as an "attractive" aspect of their current positions. That may be due to the fact that women in support positions generally do not deal directly with clients.

Unlike the rankings given to "attractive" aspects of their present positions, those given to "unattractive" aspects reveal no clear pattern of differences between women and men. That may be due in part to the fact that more "unattractive" aspects were listed. Nevertheless, the responses do indicate stronger differences among the states studied than between women and men. For example, both women and men in South Carolina rank "salary, benefits, etc." as the most "unattractive" aspect; among the participants in the Michigan study, it ranks near the bottom of the list.

To the extent that there are differences between women and men in ranking "unattractive" aspects, they are in the percentages of those citing a particular aspect rather than in the ranking given to it. For example, "workload" is clearly high on the list of "unattractive" aspects for both women and men although the men are somewhat more likely than are the women to cite it. Men are also somewhat more likely than women to select "working hours" as an "unattractive" aspect. On the other hand, women are more likely than men to cite the "unchallenging nature of the work." They are also more likely to select "relationships with coworkers" and "relationships with supervisors" as "unattractive" aspects.

Ultimate Career Goals in Corrections

As the data in Table 24 reveal, there are major differences between women and men in their response to the question: "What is your ultimate goal in the field of corrections?" Except in the Maryland study, the women are somewhat more likely than the men to indicate an ultimate career goal in corrections, but, at the same time, their objectives are not likely to be as high in the organizational structure as are those of the men. Among those partici-

Table 24

ULTIMATE GOAL IN CORRECTIONS, BY STATE, OCCUPATION, AND SEX

	Total		Official		Professional		Security Staff		Support Staff	
	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men
<u>Michigan</u>										
No goal specified	60.3	62.5	42.9	64.3	61.2	66.7	38.5	53.8	79.4	---
	N=70	N=30	N=3	N=9	N=30	N=14	N=10	N=7	N=27	---
Official	45.7	83.3	100.0	100.0	42.1	100.0	50.0	50.0	14.3	---
Professional Supervisor	17.4	---	---	---	26.3	---	12.5	---	14.3	---
Professional	21.7	---	---	---	31.6	---	25.0	---	---	---
Security Supervisor	4.3	11.1	---	---	---	---	12.5	33.3	---	---
Security Officer	---	5.6	---	---	---	---	---	16.7	---	---
Support Staff	10.9	---	---	---	---	---	---	---	71.4	---
	N=46	N=18	N=4	N=5	N=19	N=7	N=16	N=6	N=7	N=0
<u>South Carolina</u>										
No goal specified	23.8	28.8	42.9	26.3	29.7	29.6	9.5	30.8	14.3	---
	N=31	N=17	N=3	N=5	N=22	N=8	N=2	N=4	N=4	---
Official	32.3	73.8	100.0	100.0	34.6	63.2	42.1	55.6	8.3	---
Professional Supervisor	39.4	16.7	---	---	46.2	31.6	21.1	11.1	45.8	---
Professional	19.2	2.4	---	---	17.3	5.3	15.8	---	29.2	---
Security Supervisor	4.0	7.1	---	---	---	---	21.1	33.3	---	---
Security Officer	1.0	---	---	---	1.9	---	---	---	---	---
Support Staff	4.0	---	---	---	---	---	---	---	16.7	---
	N=99	N=42	N=4	N=14	N=52	N=19	N=19	N=9	N=24	N=0
<u>Maryland</u>										
No goal specified	27.2	17.7	---	33.3	25.5	20.0	40.0	12.5	25.6	---
	N=28	N=6	N=0	N=1	N=12	N=4	N=6	N=1	N=10	N=0
Official	25.3	42.9	100.0	100.0	37.1	56.3	22.2	14.3	6.9	---
Professional Supervisor	24.0	17.9	---	---	40.0	25.0	11.1	---	10.3	33.3
Professional	24.0	10.7	---	---	22.9	18.7	22.2	---	27.6	---
Security Supervisor	4.0	10.7	---	---	---	---	33.3	42.9	---	---
Security Officer	2.7	10.7	---	---	---	---	11.1	42.9	3.4	---
Support Staff	20.0	7.1	---	---	---	---	---	---	51.7	66.7
	N=75	N=28	N=2	N=2	N=35	N=16	N=9	N=7	N=29	N=3

pants who express a "goal" in the field, the men are far more likely than the women to indicate an "official" or administrative position as their objective. For example, in the South Carolina study, 74 percent of the men as compared with only 32 percent of the women aspire to administrative roles. This difference is not as strong in the other two studies, but it is clearly apparent nonetheless. For their part, the women are more likely to express an interest in a supervisory or middle-management position within their present occupational category or to indicate that their ultimate goal is to be in a nonsupervisory position. It should also be noted that among women in "security staff" work and in "support staff" occupations who indicate a goal, over one-third are interested in moving into professional positions.

SUMMARY

This chapter has presented a large amount of data based on the questionnaire responses of women and men employed in state and local corrections systems in Maryland, Michigan, and South Carolina. To the extent that those participants are representative of corrections employees in general, they provide us with an interesting view of who is employed in the field, how and why they came into corrections, the type of work they do, and the degree to which they are integrated into organizational life.

As the data presented in this chapter indicate, the women tend to be younger than the men, are more likely to be unmarried, and usually have been employed in corrections for a shorter period of time. In general, the women also tend to have less formal education than the men at the graduate level.

For the majority of women and men in the study, corrections employment does not constitute a "first career." The data indicate that only 24 percent of the men and 15 percent of the women came into corrections directly from school. Most of the participants, and women in particular, came into the field from private industry or other areas of civil service. When asked their reasons for taking a position in corrections, both women and men indicate that "an interest in corrections and a desire to work in the field" is an important consideration. In addition, however, women cite the importance of career opportunities and salary in their decisions.

By far the most dramatic contrasts between women and men in this study are in the manner and degree to which they are integrated into the organization. The fundamental difference is that women are dominant in support staff occupations while men dominate administrative and security positions. To the extent that women are in nonclerical jobs, it is as professionals rather than as administrators or security personnel. Given the differences in occupation, it is not surprising that there are also differences in annual salaries, with women earning less than men. It is important to note, however, that even when the data are controlled for occupation, women receive several thousand dollars less annually than their male counterparts. In addition to differences in occupation and in salary, the data show that women receive less formal training, less recognition for their work, and less encouragement to move to higher positions than do the men.

Differences between women and men in organizational experiences tend to be reflected in differences in career goals and in job satisfaction. Although

women and men are about as likely to indicate that they will remain in corrections, the career goals of the women are not as high as those of the men. While men aspire to administrative positions, women tend to set their sights on supervisory or middle-management positions. For both women and men, the "diversity/challenge of the work" seems to be the most "attractive" aspect of their positions and the amount of work they must handle the most "unattractive" aspect. There are, however, important if subtle differences with regard to other aspects of job satisfaction. For example, women are less likely than men to cite "relationships," particularly "relationships with coworkers" and "relationships with supervisors," as "attractive." They are also more likely than men to find those same relationships "unattractive."

In summary, it appears that the corrections organizations reported on here, and, to the extent that they are representative, corrections organizations in general, have not yet developed a legitimate role for women employees that is comparable to that of men at the operational level. Age, length of time on the job, and the small percentage of direct entries into the field suggest that serious recruitment of women has occurred only recently, and the efforts expended are less for women than for men. Once on the job, women work primarily in traditionally low prestige, no advancement jobs. They receive lower pay and less formal training, recognition, and encouragement. Compared to men, they have lower career goals and many find their relationships with coworkers and supervisors unattractive.

In conclusion, the present position of women reported on in this study is best summarized in the words of a woman correctional officer:

Corrections is a fascinating field...but there are days when I really wonder if this is the place for me. The department seems to be encouraging women to enter the system but that attitude hasn't filtered down yet to the "good ole" boys I have to work with. They watch every move I make and challenge everything I do if it's not exactly the way they would do it. Sometimes I feel more like one of the inmates than one of the staff....

CHAPTER 5. MOBILITY POTENTIAL AND CAREER PATHS

INTRODUCTION

As previous chapters indicate, the work experience and careers of women in corrections are quite different from those of men. The skewed occupational distribution of men and women, both in the sample states and in the wider field of corrections, reflects the general pattern of sex polarization and sex segregation of occupations in the American labor force. Women's rising labor force participation has changed the occupational distribution remarkably little; women are still concentrated in occupations that are predominantly female (i.e., sales, clerical, and teaching) and in job categories characterized by limited mobility potential, low pay, and low levels of power. In fact, well-documented studies of the inequities experienced by women in work organizations suggest that sex segregation of occupations may be increasing rather than declining.¹

The data from South Carolina and Michigan (supported by the EEOC data) show two general trends in employment in corrections: Men monopolize the upper level job categories (officials, administrators) in which there are only a few women; women are clustered in support staff positions with no males in those positions. In this chapter, the questionnaire results from the final sample states, South Carolina and Michigan, are used to provide a deeper analysis of the processes and factors which may contribute to this segregated pattern.

EXPLANATIONS OF OCCUPATIONAL SEX SEGREGATION

While researchers have little difficulty documenting the existence of occupational sex segregation, they disagree about how best to explain the causes of this social pattern. For example, Kanter, in her insightful analysis of the work situations of men and women in large corporate organizations, argues that responses to work are a function of basic structural issues, such as the constraints imposed by roles and the effects of limited opportunity, limited power, and unbalanced numbers.² Along with her emphasis on structural effects, Kanter provides an interesting summary of prevalent explanations of occupational sex segregation. She writes:

¹ Kanter, op. cit.; Valerie Oppenheimer, THE FEMALE LABOR FORCE IN THE UNITED STATES: DEMOGRAPHIC AND ECONOMIC FACTORS GOVERNING ITS GROWTH AND CHANGING COMPOSITION, Population Monograph Series, No. 5, Berkeley: University of California Press, 1970; and Wolf and Fligstein, op. cit.

² Kanter, op. cit.

Something has been holding women back. That something was usually assumed to be located in the differences between men and women as individuals; their training for different worlds; the nature of sexual relationships, which make women unable to compete with men and men unable to aggress against women; the "tracks" they were put on in school or at play; and even, in the most biologically reductionist version of the argument, "natural" dispositions of the sexes. Conclusions like these have become standard explanations for familiar statistics about discrimination. They form the basis for the "individual" model of work behavior. Whether one leans toward the more social or the more biological side of the argument, both add up to an assumption that the factors producing inequities at work are somehow carried inside the individual person.³

The thrust of Kanter's argument is that the large numbers of women who entered or reentered the labor force in the 1970's will be unaffected by policies of "affirmative action" and "equal employment opportunity" unless we abandon explanations for sex segregation and lack of advancement that are restricted to models of behavior that focus on the individual.

Kanter's position provides a strong contrast to the widely accepted assumptions generated by human capital theory derived from the field of economics. That theory assumes that individuals make rational choices about the options available to them; they weigh the costs and benefits of any occupational decision and choose accordingly. Thus, the overrepresentation of women in clerical jobs is assumed to be the result of a rational choice. Since women require flexibility in their work so that they can perform child care and other responsibilities, they choose occupations that allow ease of entry and in which they lose little income by leaving and reentering the field. This position ignores such issues as the organizational obstacles presented by the dynamics of tokenism and the discriminatory environment. Complaints of discrimination brought to the surface by passage of the 1964 Civil Rights Act demonstrate that choice alone does not determine occupational attainment. As Kanter and others show, in work situations where options are severely limited by organizational obstacles, the question of choice becomes irrelevant.

The work experiences of men and women in corrections are shaped by individual attributes as well as the organization of the work environment. Barriers to women in the field of corrections cannot be understood by analyzing the characteristics of individuals separate from the jobs and career paths in the total system of corrections organizations. Identifying what happens to individuals in the course of work in corrections requires consideration of structural issues, such as the mobility potential of jobs, as well as the personal qualifications necessary for advancement.

In this chapter a summary of the results of the exploratory study is presented in the form of a model that combines individual and organizational factors to illustrate the social process of mobility and job attainment.

³ Ibid., p. 261.

While the model is suggestive, it makes no attempt to provide a comprehensive explanation of occupational segregation in the field of corrections; it is, after all, limited to settings in South Carolina and Michigan. Even though the results cannot be generalized to any larger population, they may help policymakers understand more fully the structural conditions that contribute to unequal employment opportunity for women in corrections organizations.

RESEARCH FOCUS

In the discussion of the survey data, the factors that influence the process of mobility in a variety of correctional settings and that account for the present level of job attainment are identified. Limitations in those data make it impossible to disentangle the impact of discrimination *per se* from other effects on the attainments of women, but an examination of the data does allow for an analysis of the following questions: (1) Does the mobility process vary for men and women? (2) Does the current mobility process create a disadvantage for women in attaining upper level jobs? (3) What, if any, changes can be suggested from these findings?

When most researchers discuss mobility, there is an implicit assumption of an occupational hierarchy and ranking of positions within the organization. That is, mobility can be viewed as upward, downward, or lateral. In this study, mobility is defined as movement between levels of authority. Thus, mobility is classified as "upward" when a person moves into a position or job category with more authority than the previous job. Such a definition is consistent with a recent study by Wolf and Fligstein of mobility in the workplace in which three levels of authority were identified.⁴ The highest level involves authority to hire and fire and set pay rates. The middle level involves the authority to supervise the work of others, and the lowest level involves little or no authority over other employees. Those levels of authority were not measured directly in this study, since the respondents were not asked to report the concrete types of authority they exercise in their jobs. However, an approximate measure was developed by ranking corrections positions as a trichotomy based on assumptions about levels of authority.⁵ The highest level of authority is presumed to be held by the director, warden, superintendents, and division chiefs. Persons in those positions are most likely to have the authority to hire and fire, as well as the responsibility of making policy decisions. The least amount of authority is held by support services staff. Those individuals perform specific tasks, but have no authority over other employees or clients. The remaining occupational categories have varying levels of authority, and no clear division can be made among them. Some of the positions have supervisory authority; others have authority only over inmates or clients. The supervisory-nonsupervisory distinction is not made here since the authority of some nonsupervisors may be greater in some ways than that of some supervisors. For example, in the prison setting a parole hearing officer may have substantially more authority over inmates than a medical services supervisor. Since such distinctions cannot be made without qualitative

⁴ Wolf and Fligstein, *op. cit.*

⁵ The measure was validated through conversations with corrections experts.

data on the actual work situation, those in the mid level occupations can be assumed to have less authority than those in the highest group discussed previously and more than those in the lowest group.

Wolf and Fligstein show that women with job classifications similar to men's do not necessarily have the same level of authority as the men.⁶ Since, in this study job category is being used to estimate the level of authority, it is quite likely that the level of authority possessed by women is overestimated. Future studies should measure the level of authority more directly.

DISCUSSION OF FINDINGS

Mobility

It is clear from Table 25 that men are likely to have higher levels of authority than women.

Table 25

LEVEL OF JOB ATTAINMENT, BY STATE AND SEX

Level of Authority	Michigan		South Carolina	
	Women	Men	Women	Men
Lowest	29.1 (34)	0.0 (0)	21.2 (28)	0.0 (0)
Middle	64.9 (76)	70.8 (34)	73.5 (97)	68.9 (42)
Highest	<u>6.0 (7)</u>	<u>29.2 (14)</u>	<u>5.3 (7)</u>	<u>31.1 (19)</u>
Total	100.0 (117)	100.0 (48)	100.0 (132)	100.0 (61)

In both Michigan and South Carolina, men are overrepresented in positions with the highest levels of authority, and women are overrepresented in positions with the lowest levels of authority. The basic questions are, what factors contribute to that pattern, and what can be done to change it?

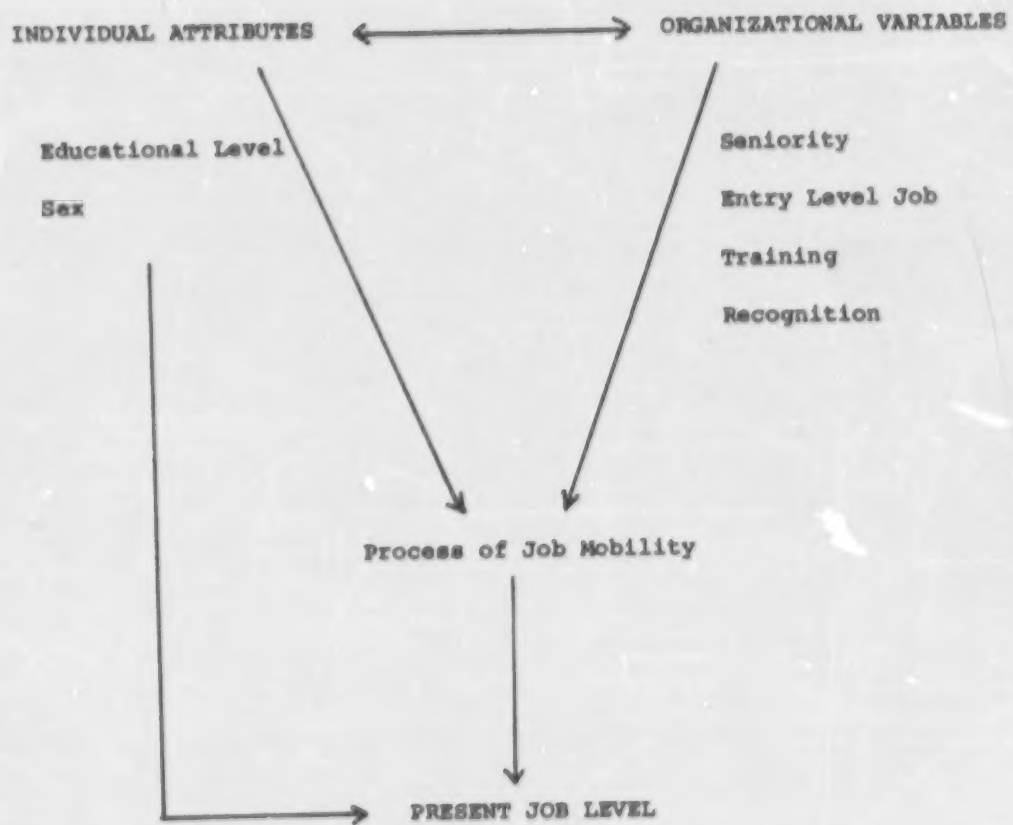
The process through which individuals get allocated to the upper level occupations is shown in Figure 1, the "Diagram of the Process of Job Mobility in Corrections." An individual can obtain an upper level job in one of two ways. First, she/he can be hired directly into the position. Second, she/he may enter the organization at a lower level and move up the ladder. Both career paths are important and have policy implications for women in corrections.

In looking at mobility, the first question is how much mobility occurs in corrections. Of course, the amount of mobility measured depends on the level of detail used in defining the occupational categories. For example, if secretary I and secretary II are defined as different jobs, then mobility occurs when a person moves from I to II. If they are defined as the same job (i.e., secretary), then no mobility has occurred. Mobility, for this study, occurs

⁶ Wolf and Fligstein, op. cit.

Figure 1

DIAGRAM OF THE PROCESS OF JOB MOBILITY IN CORRECTIONS



when an individual moves from one level of authority to another. Thus, the level of mobility found here is less than the amount of mobility that would be found using finer classifications.

Table 26 shows the number of people in each state who have experienced mobility.

Table 26

LEVEL OF MOBILITY BY STATE*

Level of Mobility	Michigan	South Carolina
None	84.1 (138)	74.9 (146)
Upward	15.9 (26)	24.1 (47)
Down	<u>0.0 (0)</u>	<u>1.0 (2)</u>
Total	100.0 (164)	100.0 (195)

* Mobility is defined as movement from one level of authority to another.

A slightly larger proportion of employees in South Carolina have experienced mobility than in Michigan, although the two states are quite similar, with the majority of workers (74.9 percent in South Carolina and 84 percent in Michigan) experiencing no mobility.

The data were analyzed to see which factors influence mobility; both the individual and organizational variables included in Figure 1 were examined (see Table 27).

Table 27

CORRELATION COEFFICIENTS OF VARIABLES IN FIGURE 1 WITH MOBILITY

Variables	Michigan	South Carolina
Education	.02 NS	.01 NS
Seniority	.28	.28
Recognition	.07 NS	-.01 NS
Training	.12	.12

NS = not significant at .1 level.

The organizational variable that is the most highly correlated with mobility in seniority. In both states the number of years spent in corrections is positively related to the level of mobility. Another significant organizational variable is whether the individual has received any training other than initial training. Education is not significantly related to mobility, although later discussion suggests it is related to the attainment of upper level jobs.

Figure 1 shows that sex is an individual attribute related to mobility. How do men and women compare in mobility? As Table 28 indicates, women have experienced slightly less mobility than men.

Table 28

LEVEL OF MOBILITY, BY STATE AND SEX

Level of Mobility	Michigan		South Carolina	
	Women	Men	Women	Men
No Mobility	87.2 (102)	76.1 (35)	76.5 (101)	72.1 (44)
Upward	12.8 (15)	23.9 (11)	22.0 (29)	27.9 (17)
Downward	0.0 (0)	0.0 (0)	1.5 (2)	0.0 (0)
Total	100.0 (117)	100.0 (46)	100.0 (132)	100.0 (61)

The diagram in Figure 1 suggests one reason for this difference. Seniority is related to mobility and, as Table 29 shows, women in general have less seniority than men.

Table 29

WOMEN AND MEN WHO HAVE WORKED IN
CORRECTIONS LESS THAN FIVE YEARS

Sex	Michigan	South Carolina
Women	67.5 (79)	54.5 (72)
Men	20.9 (10)	37.7 (23)

In addition, Figure 1 includes an important organizational variable that has not been discussed and that also differentiates men and women--entry-level occupation. As mentioned earlier, because upward mobility is more common than downward mobility, people in lower level positions have more potential for upward mobility than others. That is certainly the case in corrections. Table 30 shows that the level of mobility in both states is inversely related to entry level.

Table 30

PARTICIPANTS WHO HAVE EXPERIENCED
MOBILITY, BY ENTRY-LEVEL JOB*

Entry-Level Job	Michigan	South Carolina
Level 1 (lowest in authority)	32.0 (16)	52.6 (30)
Level 2	9.3 (10)	13.8 (17)
Level 3	0.0 (0)	12.5 (1)

* This does not include individuals who have left corrections.

This difference has important implications for women, who are more likely to enter at the lowest level of authority. It means that women need to experience more mobility than men to attain the upper job levels.

Furthermore, the fact that women have more opportunity for mobility than men (because of their position in the occupational hierarchy) suggests that the differences in mobility between men and women are even greater than the figures indicate. Omitting the women who entered at the lowest job level, the difference in the level of mobility of men and women in both South Carolina and Michigan becomes much larger as can be seen in Table 31.

Table 31

WOMEN AND MEN WHO ENTERED MID-LEVEL
JOBS WHO HAVE EXPERIENCED MOBILITY

Sex	Michigan	South Carolina
Women	5.0 (3)	4.0 (3)
Men	18.0 (7)	25.0 (14)

In South Carolina, for example, only 4 percent of the women who entered at a middle level of authority have moved up. Twenty-five percent of the men who entered at that level have experienced mobility.

It can generally be assumed that, all else being equal, individuals who are highly mobile will have better chances of attaining upper level jobs than those who are not mobile. It is important to remember, however, that people in the lowest positions have to experience more mobility to reach upper level jobs than those who enter at higher positions. Thus, experiencing mobility is

not the same as reaching an upper level job, although it is often a necessary step. For that reason, the examination of factors influencing mobility in general must be accompanied by an examination of the factors influencing the attainment of upper level jobs.

Attaining Upper Level Jobs

Mobility is important in itself to individuals who experience it. However, the importance of mobility in this study is the relationship between mobility and achieved level of job authority. Mobility can lead to high levels of authority, but it does not necessarily do so. For that reason, an examination of the factors related to the attainment of upper level jobs is necessary.

Figure 1 shows a career path to upper level jobs that is clearly not related to organizational mobility; not all people move up through organizational ranks to attain upper level jobs; 25.9 percent of those in upper level jobs in South Carolina were hired directly into those jobs, and 35 percent were hired directly into those positions in Michigan. Organizational variables included in the model become less relevant here as both of the individual attributes take on more importance. Data in Table 32 indicate that those people who are hired directly into upper level jobs tend to have a higher level of education than those who work their way up through the organization. Thus, education may act as a substitute for such other prerequisites as seniority.

Table 32

LEVEL OF EDUCATION FOR THOSE HIRED DIRECTLY INTO UPPER LEVEL
JOBS COMPARED TO ALL OF THOSE CURRENTLY IN UPPER LEVEL JOBS

Employees	Percentage with Education Beyond College Level (B.A. or B.S.)	
	Michigan	South Carolina
Employees hired directly	71.4 (5)	87.5 (7)
All upper level employees	62.0 (13)	62.9 (17)

Although more men than women are in upper level positions, women are more likely than men to enter such jobs by being hired directly into them. In South Carolina, 57.1 percent of the women in upper level positions were hired directly into those positions, while only 15.8 percent of the men were. The figures in Michigan are quite similar: 57.1 percent for women and 23.1 percent for men. Thus, being hired directly into an upper level position is the most likely career path by which women attain such jobs.

However, as the figures demonstrate, it is quite difficult for women to move to upper level positions from within the organization. The most common type of mobility for women is from low to middle levels of authority. Since looking at mobility in general does not indicate exactly how someone gets to the highest levels of authority, attention must be turned to those factors that are related to the attainment of the highest level jobs.

Table 33 shows that all of the factors presented in Figure 1 are related to the attainment of upper level jobs.

Table 33
CORRELATION COEFFICIENTS OF FACTORS IN
FIGURE 1 WITH LEVEL OF JOB

Factors	Michigan	South Carolina
Education	.34	.31
Years in Corrections	.19	.22
Recognition	.26	.11
Training	.31	.10

Men are more likely than women to attain upper level jobs. Men and women with higher educational levels are also more likely to attain upper level jobs. Having seniority, receiving training, and receiving recognition for one's work are all related to attaining upper level jobs. Entry-job level is an important factor influencing job attainment. In both states, people who enter at the middle level of authority are much more likely to move up to the top level than are those who enter at the lowest level.

Before moving to an examination of women and mobility, a closer look at the relationship between entry-level job and upper level jobs is in order. It is often assumed that movement to the upper level jobs is more likely to follow from positions in security than from other professional (e.g., counselor) positions. That is not necessarily the case, according to the data. In Table 34, the security positions are separated from the other "mid level authority" positions. It is clear that in both states fewer people have moved from security positions into the upper level positions.

Table 34
PARTICIPANTS IN UPPER LEVEL JOBS BY LEVEL OF ENTRY

Level of Entry	Michigan	South Carolina
Level 1 (lowest in authority)	15.0 (3)	11.1 (3)
Level 2 (except security)	40.0 (8)	48.1 (13)
Level 2 (security)	10.0 (2)	14.8 (4)
Level 3	35.0 (7)	25.9 (7)

Specifically, Table 35 (a) shows that none of the upper level employees in noninstitutions entered at the security level. However, when looking only at correctional institutions, the importance of security positions is more apparent (Table 35 (b)).

Table 35

PARTICIPANTS IN UPPER LEVEL JOBS BY LEVEL OF ENTRY FOR
(a) NONINSTITUTIONS AND (b) INSTITUTIONS

Level of Entry	Michigan	South Carolina
(a) Noninstitutions		
Level 1 (lowest in authority)	22.2 (2)	6.1 (2)
Level 2 (except security)	44.4 (4)	50.0 (9)
Level 2 (security)	0.0 (0)	0.0 (0)
Level 3	33.3 (3)	38.9 (7)
(b) Institutions		
Level 1 (lowest in authority)	9.1 (1)	11.1 (1)
Level 2 (except security)	36.4 (4)	44.4 (4)
Level 2 (security)	18.2 (2)	44.4 (4)
Level 3	36.4 (4)	0.0 (0)

In South Carolina, 44.4 percent of the upper level employees in institutions entered in security positions. In Michigan, 18.2 percent of the upper level jobs in the institutions are held by people who entered at the security level. While that is lower than the percentage who entered from the other mid level occupations, it still shows security positions to be more important in institutions than they appear in the sample in general. On the one hand, the assumption that security positions are the main or path to upper level occupations is incorrect. On the other hand, they are somewhat important in attaining upper level positions in institutions (e.g., jails, prisons).

Women and Attainment

Women do not attain levels of authority equally to men, nor do they experience the same rate of vertical mobility as men. Figure 1 shows many of the factors that affect the process of attainment. Considering those factors in conjunction with the data summarized in the tables makes it clear that women are at a disadvantage in attaining high levels of authority. The discussion that follows focuses on the ways in which the process of mobility depicted in Figure 1 works to limit women's attainment. First, women in corrections are not as likely as men to have graduate-level education that is often necessary for the attainment of upper level jobs. Second, as can be seen in Tables 36 and 37, women tend not to receive training or recognition on an equal basis with men.

Table 36

WOMEN AND MEN RECEIVING NO TRAINING AFTER THE FIRST SIX MONTHS IN CORRECTIONS

Sex	Michigan	South Carolina
Women	65.5 (76)	37.9 (50)
Men	12.5 (6)	26.2 (16)

Table 37

WOMEN AND MEN RECEIVING NO RECOGNITION FOR THEIR WORK

Sex	Michigan	South Carolina
Women	82.1 (96)	65.9 (87)
Men	62.5 (30)	50.8 (31)

The lack of training limits one's ability to do certain jobs, and the lack of recognition probably inhibits motivation to seek upper level jobs. Third, seniority is another important prerequisite for high levels of job attainment and, for the most part, women have been in corrections fewer years than men. In addition, women more often than men enter in jobs that are not likely to lead to the upper levels of authority. In general, men and women have different employment experiences in corrections, and the consequence of those differences is reflected in the mobility and attainment process.

Thus far this chapter has focused on the attainment of upper level jobs. As discussed earlier, the grouping of jobs into three categories probably underestimates the extent of sex segregation of occupations in corrections. For example, in this study, professionals and professional supervisors are grouped together, although it is evident that supervisors have more authority than other professionals, and men are more likely than women to attain supervisors' positions. To gain a more complete understanding of the extent of segregation in corrections, the distribution of men and women across the professional and professional supervisory jobs is examined in more detail.

Table 38 shows that, while the distribution of men and women in supervisory positions is similar in South Carolina, the percentage of men in supervisory positions in Michigan is far higher than the percentage of women.

Table 38

JOB DISTRIBUTION FOR WOMEN AND MEN, WITH PROFESSIONAL
AND PROFESSIONAL SUPERVISORS AS SEPARATE CATEGORIES

Job	Michigan		South Carolina	
	Women	Men	Women	Men
Upper-level jobs	6.0 (7)	29.2 (14)	5.3 (7)	31.1 (19)
Professional-supervisory	6.0 (7)	31.3 (15)	18.2 (24)	23.0 (14)
Professional	30.8 (36)	8.3 (4)	27.3 (36)	21.2 (13)
Security	22.2 (26)	31.1 (15)	17.4 (23)	23.0 (14)
Other	35.0 (41)	0.0 (0)	31.8 (42)	1.6 (1)

That distribution holds even though the composition of the sample is biased towards upper level and professional women; that is, they are over-represented compared with their actual number. Furthermore, as indicated in Table 39, the majority of women who enter at the professional level in both states remain there. The men who enter at the professional level are more likely to move to supervisory or upper level positions. Once more the pattern is clear: men experience more mobility to positions of authority than do women.

Table 39

CURRENT JOB OF INDIVIDUALS WHO ENTERED AT THE PROFESSIONAL LEVEL

Job	Michigan		South Carolina	
	Women	Men	Women	Men
Upper level jobs	5.7 (2)	21.4 (3)	0.0 (0.)	30.4 (7)
Professional-supervisory	8.6 (3)	64.3 (9)	19.4 (7)	17.4 (4)
Professional	85.7 (30)	7.1 (1)	77.8 (28)	39.1 (9)
Security	0.0 (0)	7.1 (1)	0.0 (0)	8.7 (2)
Other	0.0 (0)	0.0 (0)	2.8 (1)	4.3 (1)

This focus on the attainment of upper level jobs has meant that factors influencing movement from lower level jobs to middle level jobs have been ignored. However, that movement is important because a large percentage of women in corrections enter at the lowest level. Kanter has raised the issue of integrating clerical positions into the mobility structure, and the data suggest that, while that is not the normal career path, it can be done. Table 40 shows, for example, that in South Carolina, 13.6 percent of the caseworker supervisors entered as clerical workers. It would be helpful to know how South Carolina has integrated the clerical workers into the mobility structure and with what costs and benefits.

Table 40

ENTRY-LEVEL JOB FOR CASEWORKER SUPERVISORS

Entry-Level Job	Michigan	South Carolina
Supervisor	36.4 (4)	45.5 (10)
Inmate Program Specialist	0 (0)	4.5 (1)
Caseworker	54.5 (6)	31.8 (7)
Security Staff	9.1 (1)	4.5 (1)
Clerical	0.0 (0)	13.6 (3)
Total	100.0 (11)	100.0 (22)

A factor that is not explicitly included in Figure 1 but that also affects mobility is individual aspirations. Many researchers have noted the lower level of aspirations of women when compared to men and have concluded that individual choice determines occupational segregation and attainment. That is not the position taken here because such a conclusion oversimplifies the process of mobility and attempts to explain attainment entirely on the basis of individual attributes. Moreover, while it is true that fewer women than men specify upper level jobs as their ultimate goal in corrections (see Table 41), it is not clear how much of that difference in aspirations has been generated by organizational barriers.

Table 41

OCCUPATIONAL GOAL IN CORRECTIONS BY SEX

Occupational Goal	Michigan		South Carolina	
	Women	Men	Women	Men
Upper Level Job	17.9 (21)	31.3 (15)	24.2 (32)	51.7 (31)
No Goal	59.8 (70)	62.5 (30)	23.5 (31)	28.3 (17)

Organizational barriers probably affect the aspirations and attainment of both men and women; however, the replies of the respondents concerning perceived discrimination indicate that women may have special obstacles. As shown in Table 42, an over-all "perception of discrimination" score was obtained by summing the individual scores on eight of the questions concerning discrimination.

Table 42

LEVEL OF REPORTED DISCRIMINATION*

Level of Discrimination	Michigan	South Carolina
No Discrimination	44.6 (70)	37.9 (72)
Uncertain	34.4 (54)	43.7 (83)
Discrimination	21.0 (33)	18.4 (35)

*The scale was calculated by summing the responses to questions 2, 3, 5, 6, 7, 8, 9, and 11 in Section V of the questionnaire. The responses were recoded as: strongly agree -2, somewhat agree -1, uncertain 0, somewhat disagree 1, strongly disagree 2. A score of -6 through -16 = "no discrimination," -5 through 5 = "uncertain," 6 through 16 = "discrimination."

Although there was a high level of uncertainty, less than one-half of the sample reported "no discrimination" against women. The general pattern is that employees in upper level positions perceive less discrimination than employees in middle and lower level positions, and women in general perceive more discrimination than men (see Table 43).

Table 43

WOMEN AND MEN REPORTING "NO DISCRIMINATION"

Sex	Michigan	South Carolina
Women	34.8 (39)	29.2 (38)
Men	68.9 (31)	56.7 (34)

The perception of discrimination is important in itself because it may constrain women's aspirations. Kanter, for example, shows how the aspirations of individuals are lessened when they are in a structure with limited opportunity. She suggests that people who lack opportunity for advancement disengage from the corporation.⁷ Disengagement is manifested in the form of depressed aspirations, lowered commitment to the organization, or a withdrawal from responsibility in the organization. To illustrate this, Kanter created a "commitment measure" and found that respondents who report low commitment have jobs characterized by limited advancement opportunity. Furthermore, there appears to be a cycle where people who have been in the organization for several years report a lessened commitment; this may be due to the limited opportunity that results from subtle discriminatory practices. Thus, dynamics in the organization of the work setting may cause women to lower their aspirations.

SUMMARY

This chapter documents the lower level of mobility and attainment for women in corrections. The chapter draws on data obtained from Michigan and South Carolina to show that both individual attributes and organizational factors, such as education, seniority, training, and recognition, are associated with the lower level of attainment for women. It is further suggested that there are other, more subtle, organizational dynamics that influence the male/female differences in attainment. For example, many researchers define job aspiration as an individual attribute brought into the workplace by the employee and unaffected by the organization. A comparison of the aspiration levels in Michigan and South Carolina, however, highlights the role of organizational factors in shaping aspirations. The percentage of individuals in Michigan who report "no goals" in corrections is approximately three times

⁷ Kanter, op. cit.

the percentage in South Carolina. It is unlikely that this difference is due totally to individual motivation. The organizational factors that contribute to this difference should be investigated. Similarly, it is argued that the differential treatment of men and women in the same organization will affect aspirations, and, consequently, the attainment of men and women.

It is easier to recognize the importance of individual attributes in attaining upper level jobs than to identify and understand the subtle and complex organizational influences. For that reason, policy recommendations often focus on the individual rather than the organization. In the final analysis, policy focusing on organizations may prove a more effective and less problematic way to bring about changes in the employment of women in corrections.

CHAPTER 6. LEGAL AIDS AND BARRIERS TO THE EMPLOYMENT
OF WOMEN IN CORRECTIONS

THE LAW ON SEX DISCRIMINATION IN EMPLOYMENT

The most obvious legal tool with which to combat sex discrimination in employment is Title VII of the Civil Rights Act of 1964.¹ Sex discrimination cases that involve state and local governments, as do all cases charging discrimination by corrections systems, can also be brought under the equal protection clause of the fourteenth amendment of the United States Constitution. There are other federal statutes under which sex discrimination suits may be brought, and federal agencies which determine how government funds will be distributed are required by law to deny funding to institutions practicing sex discrimination. In addition, a number of states have constitutional or statutory prohibitions against sex discrimination.

Title VII

As there are many fine summaries and explanations of the provisions of Title VII,² we will merely review it in a summary fashion here. As amended in 1972 to include state, local, and federal governmental employees,³ Title VII prohibits sex discrimination in hiring, promotion, and benefits by employers with 15 or more employees.⁴ It covers both discrimination apparent on

¹ 42 U.S.C. § 2000e (1976) (hereinafter referred to as Title VII).

² See, e.g., Note, Employment Discrimination and Title VII of the Civil Rights Act of 1964, 84 HARV. L. REV. 1109 (1971).

³ Equal Employment Opportunity Act of 1972, Pub. L. No. 92-261, 86 Stat. 103.

⁴ It shall be an unlawful employment practice for an employer--

- (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's...sex, or
- (2) to limit, segregate, or classify his employees or applicants for employment in any way which will deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individual's sex...

Title VII, § 703(a), 42 U.S.C. § 2000e-2(a) (1976).

"Comparable worth" or "pay equity" suits based on this section of Title VII will be discussed after consideration of the Equal Pay Act.

the face of the policy being challenged (termed "facial discrimination") and discrimination which, although neutral on its face, affects one sex more than the other (termed "discrimination with a disparate impact"). For example, a policy that women are not considered for positions as correctional officers (COs) in male prisons would be facial discrimination, but a policy that all COs must be at least 5'10" tall is facially neutral discrimination with a disparate impact on women since a smaller proportion of the total female population would be eligible for the job.

Different standards of review are used depending on whether the discrimination is facial or is shown by a disparate impact. Facial sex discrimination in hiring can be justified or defended only by a finding that sex is a bona fide occupational qualification (bfoq) for a particular job under Section 703(e) of Title VII.⁵ The courts have devised various standards or tests to be applied in determining if sex or gender is a bfoq for a particular job.⁶ The two most widely recognized tests are those in Weeks v. Southern Bell Telephone & Telegraph Company⁷ and in Diaz v. Pan American World Airways.⁸ In Weeks, the court held that to qualify for a bfoq the employer must prove a factual basis for believing that all, or substantially all, women would be unable to perform the job safely and efficiently. The standard applied in Diaz was that the essence of the business must be undermined by not hiring only members of one sex.

⁵ Notwithstanding any other provision of this title, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees...on the basis of...sex...in those certain instances where...sex...is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

Title VII, § 703(e), 42 U.S.C. § 2000e-2(e) (1976).

This bfoq defense is not available to an employer charged with racial discrimination in hiring.

⁶ For a comprehensive discussion of the bfoq defense to sex discrimination, see Note, Sex as a Bona Fide Occupational Qualification: Title VII's Evolving Enigma, Related Litigation Problems, and the Judicial Vision of Womanhood after Dothard v. Rawlinson, 5 WOMEN'S RIGHTS L. REP. 107 (1979).

⁷ 408 F.2d 228 (5th Cir. 1969) (employer violated Title VII by refusing to hire a woman for the job of switchman, a job that involved substantial physical effort, on the assumption that few or no women could do this job.)

⁸ 442 F.2d 385 (5th Cir.), cert. denied, 404 U.S. 950 (1971) (there is no bfoq based on sex for flight attendants on commercial airlines, and refusal to hire males for this position violated Title VII.)

There is no defense in Title VII for facially neutral discrimination with a disparate impact against women comparable to the bfoq defense for facial discrimination. The courts have, however, created such a defense in the "business necessity doctrine." This doctrine was articulated by the U.S. Supreme Court in Griggs v. Duke Power Company⁹ in the context of racial discrimination. To justify a policy with a disparate impact on classes of people protected under Title VII, an employer must show that the challenged policy bears a direct relation to job performance. Under the business necessity test, an employer's lack of discriminatory intent is irrelevant. Even if the employer can meet the test and justify a policy by showing it is necessary to her/his business, the policy will still be found to violate Title VII if the person challenging the policy can show that there are other, less discriminatory, means available to meet the employer's business necessity.

In Title VII, Congress created an administrative agency, the Equal Employment Opportunity Commission (EEOC) to formulate regulations and administer Title VII. The EEOC conducts investigations, holds hearings, and hands down administrative decisions on complaints of violations of Title VII. The regulations¹⁰ provide time parameters within which a person discriminated against must complain to the EEOC¹¹ and within which an appeal must be filed if the EEOC decision is adverse. Courts will refuse to hear a Title VII case unless the complaint has first been taken through the EEOC administrative process and unless all the time guidelines in the regulations have been observed.

U.S. Constitutional Standards

Constitutional litigation to secure employment rights is resorted to primarily in those situations in which Title VII is not applicable because there are fewer than 15 employees or because the time deadlines of Title VII were not met, and thus a Title VII suit is not possible because administrative remedies have not been exhausted. The primary constitutional safeguard against sex discrimination is the equal protection clause of the fourteenth amendment.¹² However, it is only a state that may not deny equal protection of the laws under that clause. Many courts have struggled with the question of what con-

⁹ 401 U.S. 424 (1971) (requirement of high school diploma or passage of generalized I.Q. test for hiring or promotion violates Title VII since there is a disparate impact on blacks and no showing that such requirements and tests are a reasonable measure of job performance.)

¹⁰ See 20 C.F.R. § 1600 et seq. (1979). Guidelines on sex discrimination are found at 29 C.F.R. § 1601 (1979).

¹¹ A charge of employment discrimination made under Title VII must be filed within 180 days of the discriminatory act. See Title VII, § 706(e), 42 U.S.C. § 2000e-5(e) (1976). Every step in the processing of the charge has a time limitation.

¹² "No State shall...deny to any person within its jurisdiction the equal protection of the laws."

stitutes the actions of a state and just how much state involvement there must be to invoke the equal protection clause. When the state itself is the employer, as in state correctional institutions, finding enough state action to invoke the equal protection clause is no problem.

Defining what a denial of equal protection of the laws means has been a major problem. Whenever people are classified by the state on any basis there is a potential denial of equal protection. For example, when the state says persons below a certain age may not drive a car, a classification is being made on the basis of age, and persons too young to drive could logically file a suit claiming denial of equal protection of the laws. In carrying out its functions of preserving order and attending to the health and welfare of its citizens, the state includes many such classifications in its laws or regulations. While there must be some such classification for there to be a denial of equal protection, the fact of the classification alone is not a violation of the equal protection clause. The courts have formulated three major tests to separate those classifications that are permissible from those that violate the fourteenth amendment. The identity of the person classified or the type of right involved forms the basis for deciding which test applies.

Classifications that are based on race, national origin, or alienage or that threaten a "fundamental interest"¹³ must pass the "strict scrutiny" test to be permissible under the fourteenth amendment. This is the most rigorous of the three and involves judging the state policy on two grounds: (1) is there a compelling state interest? (Public safety is a compelling state interest; administrative convenience is not.) and (2) is the law or policy necessary to serve that interest? If a compelling state interest is not served by the law or policy it is impermissible. Even if a compelling state interest is found, if there is a way to accomplish the state's purpose with less discrimination, the law or policy is unconstitutional under the equal protection clause. As may be expected, this is a difficult standard for a law to meet, and discriminatory laws or policies subject to strict scrutiny are almost always held unconstitutional.¹⁴

¹³ Courts have found there to be fundamental interests in the right to vote (*Harper v. Virginia Board of Elections*, 383 U.S. 663 (1966)), the right to bear children (*Skinner v. Oklahoma*, 316 U.S. 535 (1942)), and the right to interstate travel (*Shapiro v. Thompson*, 394 U.S. 618 (1969)). There is, however, no constitutional right to a job. Employment rights are governed by statutes or employment contracts (*Board of Regents v. Roth*, 408 U.S. 564 (1972)).

¹⁴ See, e.g., *Brown v. Board of Education*, 347 U.S. 483 (1954) (racial segregation of schools constitutes a violation of the equal protection clause of the fourteenth amendment) and *Loving v. Virginia*, 388 U.S. 1, (1967) (Virginia statute prohibiting interracial marriages violates the equal protection clause of the fourteenth amendment.) But see *Korematsu v. United States*, 323 U.S. 214 (1944) (exclusion of Japanese-Americans from their homes on the West Coast during World War II did not violate the equal protection clause. A compelling state interest was found in keeping a potential area of invasion free of citizens who might be disloyal.)

Most classifications made by a state that are challenged under the equal protection clause are subjected to perusal under the "rational basis" test. Again two questions are asked: (1) is the purpose of the law or policy constitutionally permissible? and (2) does the classification reasonably or rationally relate to that purpose? Note the difference between the requirement that the purpose be a compelling one (strict scrutiny test) and that it merely be a permissible one (rational basis test). The states retain all the powers not expressly given to the federal government,¹⁵ thus there is a broad range of constitutionally permissible purposes. The usefulness of the test in combating sex discrimination is also undermined by the fact that in answering question two the court need not look to the actual purpose of the state law or policy. A reasonable basis will be found if any conceivable set of facts will support the law or policy as reasonable.¹⁶ Laws are rarely invalidated when the rational basis test is used.

In dealing with cases charging sex discrimination in violation of the equal protection clause of the fourteenth amendment, the courts have gradually devised a third test: (1) is there an important governmental objective involved? and (2) is the law or policy substantially related to the achievement of that objective? This has been termed the "substantial relation" test, or the middle level of scrutiny, and it is now universally applied in cases charging sex discrimination.¹⁷ Under this test the proponent of the challenged law or policy must prove to the court what the actual purpose of the law or policy is and that the law or policy is substantially related to the purpose. Important governmental objectives have been found in such purposes as preserving security

¹⁵ The tenth amendment states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

¹⁶ See, e.g., *Goesaert v. Cleary*, 335 U.S. 464 (1948), which upheld a Michigan law prohibiting the licensing of a woman as a bartender unless her father or husband owned the bar because the state legislature might have reasoned that tending bar by a woman without male protective oversight could lead to moral and social problems. The use of the rational basis test in sex discrimination cases and this result in *Goesaert* were specifically overruled in *Craig v. Boren*, 429 U.S. 190, 210 n. 23 (1976).

¹⁷ The substantial relation test is also applied when there is a claim of discrimination on the basis of illegitimacy. See, e.g., *Trimble v. Gordon*, 430 U.S. 762 (1977) (Illinois statute which provided that illegitimate child could not inherit by interstate succession from father held unconstitutional.) Justice Brennan would also apply this test rather than the compelling state interest test when whites complain of racial discrimination. See J. Brennan's opinion in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978).

in a correctional institution,¹⁸ remedying past discrimination against women,¹⁹ and promoting highway safety.²⁰

That the character of the type of discrimination involved, which governs the test used, is an important issue is apparent from Geduldig v. Aiello²¹ in which the court held that discrimination on the basis of pregnancy is not sex discrimination and that the exclusion of normal pregnancy disabilities from a worker-funded state disability insurance program was permissible under the rational basis test.²² If that had been characterized as sex discrimination, the policy would probably have been invalidated under the substantial relation test; if the policy had been shown to be based on intentional discrimination against black women it would surely have been invalidated under the compelling state interest test.

There is another important consideration in equal protection litigation: is the discrimination apparent on the face of the law or policy or is it facially neutral with a disparate impact on women? The Supreme Court has held that for facially neutral discrimination with a disparate impact to be unconstitutional there must be a showing of an intent to discriminate.²³ This rule is important in relation to veteran's preference statutes and height/weight standards for certain jobs. Both will be considered in this chapter.

¹⁸ Bell v. Wolfish, 441 U.S. 520, 546 (1979), "[M]aintaining institutional security and preserving internal order and discipline are essential goals that may require limits or retraction of the retained constitutional rights of both convicted prisoners and pretrial detainees."

¹⁹ Califano v. Webster, 430 U.S. 313 (1977) (Social Security law which favored women over men in computing retirement benefits in attempt to remedy past economic discrimination against women does not violate the equal protection clause.)

²⁰ See Craig v. Boren, 429 U.S. 190 (1976) (Oklahoma law allowing women to purchase 3.2 percent beer at a younger age than men was found to be based on the important governmental objective of promoting highway safety. The law was, however, found to be unconstitutional because there was no showing of substantial relationship between the objective and the law.)

²¹ 417 U.S. 484 (1974).

²² In 1978, Congress amended Title VII to include discrimination on the basis of pregnancy as sex discrimination. See Pub. L. 95-555, § 1, Oct. 31, 1978, 92 Stat. 2076 and 42 U.S.C.A. § 2000e - (k) (1978 Supp.).

²³ See Washington v. Davis, 426 U.S. 229 (1976) (test used to screen police applicants, despite its disparate impact on black applicants, was held not to violate the equal protection clause since there was no intent to discriminate.)

Other Federal Protection Against Sex Discrimination

a. The Equal Pay Act. A 1963 amendment to the Fair Labor Standards Act²⁴ was made applicable to public employees in 1974.²⁵ It prohibits an employer from paying less for substantially equal work if the pay differential is based on sex.

A recent suit under the Equal Pay Act and Title VII by male COs²⁶ was unsuccessful. The COs charged that women deputy sheriffs assigned to a detention facility were doing work similar to their work but were paid more than they. The court noted that greater qualifications and training were required for the deputy sheriff positions than for the CO positions and that the deputy sheriffs, unlike the COs, would have the opportunity to transfer to other work assignments. Because of those facts, the court held that the pay differential was not based on sex, and thus there was no violation of Title VII or of the Equal Pay Act.

b. Comparable worth suits. Comparable worth or pay equity litigation is a relatively new strategy for combating sex discrimination.²⁷ Such suits are brought under §703(a) of Title VII,²⁸ and seek equal pay for work which, while not substantially equal within the meaning of the Equal Pay Act, is of comparable value to the employer. Comparable worth suits provide a means of attacking the sex discrimination inherent in systems that perpetuate low-paying "women's jobs" (such as clerical workers) and higher paying "men's jobs" (such as physical laborers).

²⁴ No employer...shall discriminate...between employees on the basis of sex by paying wages...at a rate less than the rate at which he pays wages to employees of the opposite sex...for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is...[made pursuant to] (iv) a differential based on any other factor other than sex.

²⁹ U.S.C. § 206(d)(1) (1976).

²⁵ Fair Labor Standards Amendments of 1974, Pub. L. 93-259, § 6(a)(2), 88 Stat. 55.

²⁶ *Ruffin v. County of Los Angeles*, 21 Fair Empl. Prac. Cas. 386 (9th Cir. Sept. 13, 1979).

²⁷ See *Lewin, The "Pink Collar" Revolution*, NAT'L. L. J., Dec. 10, 1979, at 1, and *Gitt & Gelb, Beyond the Equal Pay Act: Expanding Wage Differential Protections Under Title VII*, 8 LOY. CHI. L. J. 723 (1977).

²⁸ 42 U.S.C. § 2000e-2(a)(1) (1976). For the text of this section, see n. 4, *supra*.

In the past, courts have refused to consider comparable worth suits.²⁹ The Court of Appeals for the Ninth Circuit, in Gunther v. County of Washington,³⁰ was the first to hold that comparable worth is a valid legal theory on which to base a suit. It is to be expected that courts in the future will follow suit.

c. Omnibus Crime Control and Safe Streets Act of 1968. Often called the Crime Control Act, the Omnibus Crime Control and Safe Streets Act³¹ created the Law Enforcement Assistance Administration (LEAA) in the Department of Justice. The LEAA is empowered to administer grants to strengthen state and local law enforcement and corrections systems. Recipients of LEAA funds are

²⁹ See IUE v. Westinghouse Electric Corp., 19 Fair Empl. Prac. Cas. 450 (D.N.J. Feb. 8, 1979) ("proof of unequal pay for unequal, but comparable, work does not state a claim upon which relief can be granted under 'Title VII.'" Id. at 457) and Lemons v. City & County of Denver, 17 Fair Empl. Prac. Cas. 906 (D. Colo., April 28, 1978) (nurses sued city partly on a comparable worth theory under Title VII, charging that their wages were less than wages in male dominated jobs which were of no more value to the city. The court found no violation of Title VII in the fact that wages were set by market forces which incorporated past sex discrimination.) Excerpts from this decision explain the court's reasoning:

"[This is] a case which is pregnant with the possibility of disrupting the entire economic system of the United States of America." 17 Fair Empl. Prac. Cas. at 906-07.

"[W]hat we are confronted with here today is history. We're confronted with a history which I have no hesitancy at all in finding has discriminated unfairly and improperly against women." Id. at 908.

"So what...[plaintiffs are] saying is that I should open the Pandora's Box in this case of restructuring the entire economy of the United States of America. I am not going to do that." Id. at 909.

³⁰ 602 F.2d 882 (9th Circ. 1979) (Title VII claims based on disparity in wages are not limited to those cases that could be brought under the Equal Pay Act. Plaintiffs were former jail matrons charging that the higher pay of male COs was based partly on sex discrimination.)

³¹ 42 U.S.C. § 3701 et seq. (1976).

prohibited from employment discrimination³² and must file with LEAA a statement of nondiscrimination to be eligible for grants.³³

If a Title VII suit is filed against an LEAA recipient by the United States Attorney General, the Crime Control Act authorizes automatic cut off of LEAA funds after 45 days.³⁴ Because of the widespread use of LEAA funds by state law enforcement and corrections systems, the Act is a potentially potent weapon against discrimination.³⁵

d. Intergovernmental Personnel Act of 1970. The Intergovernmental Personnel Act³⁶ provides federal grants to help states and localities strengthen their personnel systems. The Act itself voices a nondiscriminatory policy and

32 "No person...shall on the ground of...sex be...denied employment in connection with any program or activity funded in whole or in part with funds made available under this Chapter." 42 U.S.C. § 3766(c)(1) (1976).

"No person in any State shall on the ground of...sex...be...denied employment in connection with any program or activity funded in whole or in part with funds made available under the Crime Control Act." 28 C.F.R. § 42.203 (1979).

33 28 C.F.R. § 42.204 (1979).

34 42 U.S.C. § 3766(c)(2)(E) (1976).

35 Two cases presently in the court system allege sex and race discrimination in law enforcement agencies receiving LEAA funds. See U.S. v. City of Los Angeles, 595 F.2d 1386 (9th Cir. 1979) (LEAA and revenue sharing funds were cut off after the Attorney General filed a pattern of practice race and sex discrimination suit alleging discrimination by the Los Angeles Police Department.) and U.S. v. Baltimore County, 19 Fair Empl. Prac. Cas. 403 (D. Md., Dec. 1, 1978) (court enjoined the suspension of LEAA funds but refused to issue temporary order restraining county police department from hiring new class of 38 white recruits scheduled to begin training in near future although this suit, alleging discrimination under the Revenue Sharing and Crime Control Acts, was filed.) LEAA is currently undergoing major changes which leave the continued availability of LEAA funds in question.

36 42 U.S.C. § 4701 et seq. (1976).

draws a connection between federal assistance and nondiscrimination.³⁷ The regulations formulated under the Act prohibit sex discrimination in recipient state or local governmental units.³⁸

e. State and Local Fiscal Assistance Act of 1972. While not expressly prohibiting sex discrimination in employment, the State and Local Fiscal Assistance Act ("Revenue Sharing"), as amended in 1976,³⁹ prohibits sex discrimination⁴⁰ and has been construed by the courts to prohibit discrimination in employment.⁴¹ In addition, the regulations written to aid enforcement of the Act expressly prohibit employment discrimination on the basis of sex⁴² and mandate compliance with EEOC Guidelines on Employment Selection Procedures.⁴³ Since the number of state and local governments receiving revenue sharing funds is high, this too can be a potent antidiscrimination weapon.

37 The Congress hereby finds and declares--

....

That the quality of public service...can be improved by the development of systems of personnel administration consistent with such merit principles as--

....

(5) assuring fair treatment of applicants and employees... without regard to...sex

....

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

42 U.S.C. § 4701 (1976).

38 "Equal employment opportunity will be assured in the State system and affirmative action provided in its administration....Discrimination on the basis of...sex...will be prohibited except where...sex... constitutes a bona fide occupational qualification necessary to proper and efficient administration." 45 C.F.R. § 70.4 (1979).

39 31 U.S.C. § 1221 et seq. (1976). The 1976 amendment is found at Pub. L. 94-488, Oct. 13, 1976, 90 Stat. 2341.

40 "No person . . . shall, on the ground of . . . sex . . . be subjected to discrimination under any program or activity of a state government or unit of local government, which government or unit receives funds made available under . . . this Chapter." 31 U.S.C. § 1242(a)(1) (1976).

41 See the cases cited in n. 35, supra, which recognize employment discrimination claims filed under both the Revenue Sharing and the Crime Control Acts.

42 "A recipient government...may not (through contractual or other arrangements) subject any individual to employment discrimination on the ground of...sex." 31 C.F.R. § 51.52(a) (1979).

43 31 C.F.R. § 51.52(b) (1979).

f. Executive orders. Executive Order 11246 as amended by Executive Order 11375 prohibits sex discrimination by employers who have contracts with the federal government and mandates the inclusion of nondiscrimination and affirmative action clauses in all government contracts.⁴⁴ While executive orders are not laws, they are binding on the executive branch of the government and have the force and effect of law. Executive Order 11246 is to be enforced by the Secretary of Labor, who has delegated the authority to the Office of Federal Contract Compliance Programs (OFCCP). That office is charged with reviewing the practices of federal contractors for discrimination. It may withhold federal funds on a contract until the contractor ceases discriminatory practices, cancel a contract, or bar a particular contractor from receiving federal contracts. There is no private right to sue because of discrimination under the Executive Order. A private individual can complain to the OFCCP, but the OFCCP or the EEOC must carry the complaint forward. While the mechanism exists under this Executive Order to make a large impact on discrimination, to date that has not occurred. However, the OFCCP was recently reorganized and the enforcement procedures streamlined, which may mean the office will have a greater effect on employment discrimination.

State Laws

There exist state counterparts to some of the federal laws on sex discrimination in employment. A state may have its own constitutional equal protection clause,⁴⁵ and there are several state counterparts of Title VII.⁴⁶ State courts and administrative agencies may interpret such provisions using standards identical to those used under federal law, or they may interpret the state law differently or use different standards.⁴⁷

44 The contractual provisions include: "The contractor will not discriminate against any employee or applicant for employment because of...sex. The contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment, without regard to their...sex." Exec. Order No. 11246, 30 Fed. Reg. 12,319 (1965) as amended by Exec. Order No. 11375, 32 Fed. Reg., 14,303 (1967).

45 State constitutional equal protection clauses include:

"A person may not be...denied equal protection of the laws." CAL. CONST. art. 1, § 7.

"No person shall be denied the equal protection of the laws." MICH. CONST. art. I, § 2.

"...nor shall any person be denied the equal protection of the laws." S.C. CONST. art. I, § 3.

46 See, e.g., the Michigan Civil Rights Act of 1977 codified at MICH. STAT. ANN. § 3.548(202) (1977).

47 The cases of Iowa Department of Social Services v. Iowa Merit Employment Department, 261 N.W.2d 161 (Iowa 1977) and Gunther v. Iowa State Men's Reformatory, 462 F. Supp. 952 (N.D. Iowa 1979) are examples of state and federal courts, employing state and federal law respectively, deciding

In addition, 17 states have equal rights amendments or equal rights provisions in their constitutions, and many of them are substantially identical to the proposed federal Equal Rights Amendment (ERA).⁴⁸ It has been suggested that judicial standards for analyzing an alleged violation of the ERA would be stricter than under either the fourteenth amendment or Title VII, and that the only allowable distinction based on sex under the ERA would be in those cases where the distinction is based on a physical sexual characteristic.⁴⁹

It may seem that the protection offered by the constitution and the various laws is such that sex discrimination in employment in corrections should have been eradicated by this time. However, despite the fact that women in this study experienced such discrimination, LEAA and the Department of Justice, the two agencies responsible for enforcement of sex discrimination provisions of the Crime Control Act and the Revenue Sharing Act as well as government court actions in Title VII cases, report that from 1972 to April of 1980 only 21 sex discrimination cases were brought against departments of corrections, and only 46 cases were brought against sheriff departments. The laws, while good in theory, simply are not being used to eliminate sex discrimination in employment in corrections.

LEGAL ISSUES INVOLVING EMPLOYMENT OF WOMEN IN CORRECTIONS SYSTEMS

In discussing legal issues, we will first deal with those issues having an impact on all women employed in correctional systems: veteran's preference statutes, affirmative action, and criteria or tests that have a heavier impact on women than on men. We will then cover those that pertain specifically to women employed as COs: privacy rights of inmates and the security interest of the prison administration versus employment rights of women COs.

Veteran's Preference Statutes

Veteran's preference statutes give an advantage to veterans in attaining civil service jobs. The advantage may be granting extra points to veterans

differently on whether sex is a bfoq for a CO.

- 48 The proposed federal ERA states, "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

The states with equal rights provisions in their constitutions are Alaska, Colorado, Connecticut, Hawaii, Illinois, Louisiana, Maryland, Massachusetts, Montana, New Hampshire, New Mexico, Pennsylvania, Texas, Utah, Virginia, Washington, and Wyoming.

- 49 See Brown, Emerson, Falk, and Freedman, The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women, 80 YALE L. J. 871 (1971). For a survey of judicial standards of analysis under state ERAs, see Comment: Equal Rights Provisions: The Experience Under State Constitutions, 63 CALIF. L. REV. 1086 (1977) and Note, State Equal Rights Amendments: Legislative Reform and Judicial Activism, 4 WOMEN'S RIGHTS L. REP. 227 (1979).

on a civil service exam,⁵⁰ giving veterans a preference in cases of tie scores on the exam,⁵¹ or giving an absolute preference to qualified veterans.⁵² Such statutes discriminate against women applying for civil service jobs. Women's branches of the armed services were not established, even on a temporary basis, until World War II. Permanent women's branches of the armed services were established in 1948,⁵³ but from 1948 to 1967 the number of women in the armed services was limited by statute to 2 percent of the total enlisted strength.⁵⁴ The lifting of that quota did not result in an automatic rise in the number of women in the services. As noted in Personnel Administrator of Massachusetts v. Feeney,⁵⁵ in 1972 women still constituted less than 2 percent of the enlisted strength of the armed services, and in 1975 the percentage had risen only to 4 percent. Statutes giving preference to veterans, while not discriminatory on their face, have a disparate impact on women, and it would seem that such laws could be challenged either under Title VII or on equal protection grounds.

It has been thought, however, that Section 712 of Title VII⁵⁶ rules out any such suit under Title VII.⁵⁷ Suits challenging veteran's preference

50 The Federal Government and 41 states give veterans a point advantage on civil service exams. See Fleming & Shanon, Veterans Preference in Public Employment: Unconstitutional Gender Discrimination? 26 EMORY L.J. 13 (1977).

51 See, e.g., KAN. STAT. § 75-2955 (1969).

52 See, e.g., WASH. REV. CODE § 73.16.010 (1978 Supp.) and UTAH CODE ANN. § 34-30-11 (1979 Supp.).

53 The Women's Armed Services Integration Act of 1948, Ch. 625, 62 Stat. 356.

54 Id., § 102.

55 442 U.S. 256, 269 n. 21 (1979).

56 "Nothing in this subchapter shall be construed to repeal or modify any Federal, State, territorial or local law creating special rights or preference for veterans." 42 U.S.C. § 2000e - 11 (1976).

57 Justice Stewart, at note 2 of the majority opinion in Feeney, seems to hold out the possibility of a Title VII suit to challenge veteran's preference laws. After quoting § 712 of Title VII he comments, "[t]he parties have evidently assumed that this provision precludes a Title VII challenge." 442 U.S. at 259. Could Justice Stewart be indicating that such a suit might be possible? Perhaps the Supreme Court would construe § 712 as simply stating that Title VII does not automatically, by operation of law, affect veteran's preference statutes but not as precluding a Title VII action against veteran's preference statutes. If held to the Title VII business necessity standard for legislation with a disparate impact, veteran's preference statutes, particularly those giving absolute preference to veterans, would probably be found to violate Title VII.

statutes have all been brought under the equal protection clause of the fourteenth amendment. The Supreme Court recently considered, and effectively put an end to, such challenges in Feeney. The plaintiff in that suit, a woman nonveteran, had been a state civil service employee for 12 years during which time, despite high scores on competitive exams, she had not been considered for other positions. Veterans with lower scores on the exams were given preference under Massachusetts's absolute veteran's preference statute. The Supreme Court acknowledged the grave disparate impact that the statute has on women but held that it did not violate the equal protection clause of the fourteenth amendment since it was not enacted with the intent to discriminate against women. After Feeney, legal challenges to veteran's preference statutes under the fourteenth amendment seem to be a waste of resources,⁵⁸ and most of the energy for change is now directed at urging Congress to enact a legislative change.⁵⁹

The impact of state veteran's preference statutes on women in corrections systems varies with the particular state law. Most states give a five to ten point preference to veterans in initial hiring and do not consider veteran status in determining promotions or transfers. Such statutes, while not subjecting women to the level of discrimination flowing from absolute preference statutes, do make it more difficult for women nonveterans seeking jobs at all levels of the system. Affirmative action plans, discussed in the next section, offset that effect to some degree.

Affirmative Action Plans and Reverse Discrimination Suits

Affirmative action plans--plans providing a structure for increasing the number of employees who are women or members of groups that have been discriminated against--have recently come under fire in such cases as Regents of the University of California v. Bakke⁶⁰ and United Steelworkers v. Weber.⁶¹

⁵⁸ But see the post-Feeney case of Woody v. City of West Miami, 447 F. Supp. 1073 (S.D. Fla. 1979), in which the court held that in failing to base consideration of a woman applicant for a police officer position on her qualifications the city violated Title VII and the equal protection clause of the fourteenth amendment. The veteran's preference "custom" observed by the city was found not to serve an important governmental objective. The custom was also found to be a pretext for intentional discrimination since it was not uniformly applied to male applicants; it was not necessary for the safe, efficient operation of the police department; and the city official responsible for hiring admitted that he did not want women as police officers.

⁵⁹ Information on current activity is available from Federally Employed Women (FEW), Suite 408, National Press Building, 14th & F Street, N.W., Washington, D.C. 20045.

⁶⁰ 438 U.S. 265 (1978).

⁶¹ 443 U.S. 193 (1979).

Plans to remedy the effects of past discrimination were first instituted by the courts in response to lack of progress in desegregating public schools⁶² and were later adopted in the employment field by courts in response to proven discrimination against blacks or women.⁶³

Federal agencies have also furthered or required the formulation of affirmative action plans. The OFCCP requires that federal contractors and subcontractors have affirmative action plans for the recruitment and advancement of qualified women for jobs from which they have previously been excluded.⁶⁴ In May 1978, the OFCCP published goals and timetables for the inclusion and advancement of women in the construction industry: women were to constitute 3.1 percent of the labor force in each trade in a contractor's workforce at the end of the first year, 5 percent at the end of the second year, and 6 percent at the end of the third year.⁶⁵

Faced with the growing federal pressure for affirmative action plans and with the threat of Title VII suits, employers, including state and local governments responsible for corrections systems, formulated affirmative action plans. In response, white males began filing "reverse discrimination" suits--suits claiming that an employer's decision to hire or promote a racial minority or a woman, in part because of the applicant's status as a minority or a woman, in itself violated Title VII's prohibition against hiring or promotion on the basis of race or sex.

Employers found themselves in a difficult position. If, as was often the case, their labor force consisted of a disproportionate number of white males when compared to the racial and sexual makeup of the labor force in the area, they were prime candidates for a Title VII employment discrimination suit or a cut-off of governmental contracts or funds. Either occurrence could result in the employer's adoption of an affirmative action plan imposed or approved by a court or an administrative agency. If, however, the employer decided to institute such a plan without court or agency action, he or she became vulnerable to a reverse discrimination suit.

⁶² See e.g., *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971) (affirmed District Court's order of goals and timetables in plan to remedy past intentional school segregation.)

⁶³ See *EEOC v. American Telephone & Telegraph Co.*, 556 F.2d 167 (3rd Cir. 1977), cert. denied sub nom., *Communications Workers of America v. EEOC*, 438 U.S. 915 (1978), for a discussion of such a consent decree incorporating an affirmative action plan to remedy past discrimination against women and racial minorities.

⁶⁴ 41 C.F.R. § 60-2 (1979) contains the OFCCP affirmative action regulations, and 41 C.F.R. § 60-20.2(a) (1979) provides that "[t]he employer shall take affirmative action to recruit women to apply for those jobs where they have been previously excluded."

⁶⁵ 41 C.F.R. § 60-4 (1979). That these goals are not being met is apparent from *Construction Strikes Out on Female Hiring Goals*, *ENGINEERING NEWS-RECORD*, March 29, 1979, at 24.

Various states, fearing that their use of the merit system in hiring and promotion would not insulate them from suits by women and minorities, and, in the case of corrections systems, pressured by LEAA and revenue sharing guidelines, modified their merit systems to accommodate the affirmative action plan requirements.⁶⁶

Bakke, the most widely publicized reverse discrimination case, did not involve employment issues, but the rationale of the decision may be applied to employment affirmative action plans in the context of public employment. In Bakke, a white male claimed the denial of his application for admission to medical school occurred because the school, in its special admissions program, set aside a certain number of admissions for disadvantaged minority students. The suit was brought under Title VI of the Civil Rights Act of 1964⁶⁷ as well as under the federal and state equal protection clauses. The Supreme Court held that while numerical quotas for minority admissions were unacceptable, race could lawfully be considered as one factor in deciding which applicants to admit. The decision thus did not strike a fatal blow to affirmative action plans that did not have set quotas but, instead, utilized goals and timetables. If, for example, the public employer, instead of saying, "We will hire x number of women this year," said, "We hope to hire x number of women this year, but if we find we cannot meet our goal we have not violated the terms of our affirmative action plan; it was only a goal after all," the plan might well be held lawful.

The Weber case involved a voluntary affirmative action plan in private employment and thus raised no constitutional question, but rather was brought under Title VII. Weber was a white male employee of Kaiser Aluminum who was not selected for an on-the-job training program although black employees with less seniority than he were admitted to the program. He claimed that the employer's affirmative action program, which provided for the admittance of equal numbers of blacks and whites to the training program until the percentage of black employees was equal to the percentage of black persons in the area labor pool,⁶⁸ violated Title VII's prohibition against race discrimination in

⁶⁶ E.g., some states rather than interviewing only the job candidates in the three highest ranks of scores on competitive exams instituted a policy of interviewing, in addition, those minority candidates in the two highest ranks of scores for minority persons.

⁶⁷ "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in...any program or activity receiving Federal financial assistance." 42 U.S.C. § 2000d (1976).

⁶⁸ Although not at issue in Weber, the affirmative action plan also set a goal for admission of women into the craft training program which would result in a total of 5 percent women in the crafts. In the plant in question this goal had not resulted in the admission of any women into the crafts training program. For a discussion of the impact of affirmative action plans on women, see the amicus curiae brief to the Supreme Court of a coalition of women's groups in Weber.

employment. The court held that to invalidate affirmative action plans voluntarily entered into by employers to eradicate the effects of racial discrimination would be action directly contrary to Congress' intention in enacting Title VII. The court indicated, however, that while the affirmative action plan in the case was permissible, plans requiring the discharge of white employees and their replacement with minority workers might not be upheld.

The EEOC has recently formulated affirmative action guidelines.⁶⁹ The agency will investigate all reverse discrimination charges, but, if it is shown that an employer relied on the guidelines in forming an affirmative action plan, the EEOC will not prosecute the claim and will issue an opinion that should protect the employer from suit. In addition, the Commission on Accreditation for Corrections, in its MANUAL OF STANDARDS FOR ADULT CORRECTIONAL INSTITUTIONS, includes this essential requirement for accreditation: "§4060--The institution has an affirmative action program that complies with all laws and government regulations and has been approved by the appropriate government agency."

Despite such judicial and administrative support for affirmative action plans, the status of state or local plans that affect women employed in corrections remains unclear. The Weber court stressed that its decision was made in relation to a private, not a public, employer and that the decision should not be broadly applied to other situations. However, there is no principled basis for a distinction under Title VII between affirmative action plans of private and public employers, and it seems unlikely that state or local affirmative action plans will be invalidated under Title VII. Affirmative action plans of public employers, however, unlike those of private employers, are vulnerable to challenge under the equal protection clause of the fourteenth amendment. White males could bring a suit claiming that such plans violate their right to equal protection of the laws. The court would then have to decide the question left unanswered in Bakke: will the compelling state interest test be invoked in a reverse race discrimination suit (and the substantial relation test in a sex discrimination suit), or will a lesser degree of scrutiny be applied since the person allegedly wronged is not a member of a class that has been discriminated against?⁷⁰ The choice of the test applied will have a crucial impact on the outcome of such a case and on the legality of public employment affirmative action plans.

⁶⁹ The EEOC affirmative action guidelines are found at 29 C.F.R. § 1608 et seq. (1970). They provide that a voluntary affirmative action plan is permissible if the employer reasonably determines that her/his employment practices could have an adverse effect on minorities or women. The employer is allowed to take "reasonable" corrective action, which may take race and sex into account and may include the use of goals and timetables.

⁷⁰ In Detroit Police Officers Ass'n v. Young, 608 F.2d 671 (6th Cir. 1979), the court, relying on Weber and the Brennan decision in Bakke, approved the use of the substantial relation test, rather than the compelling state interest test, in a reverse discrimination challenge to an affirmative action plan and stated that the plan was justified by operational needs under the substantial relation test.

A recent corrections case challenging a state affirmative action plan was Dawn v. State Personnel Board,⁷¹ in which an unsuccessful male applicant for a promotion to Parole Agent II filed for a review of the Personnel Board's determination that the affirmative action plan and the civil service merit system were not in conflict in his case. The court affirmed the holding of the Board since there was evidence that the plaintiff and the woman applicant who received the promotion were equally qualified, and therefore, under the merit system principles, either could have been chosen for the job. Therefore, choosing the woman because of the affirmative action plan was permissible.

Other post-Weber reverse discrimination suits against public employers have turned on whether the employer had formulated an affirmative action plan. In Harmon v. San Diego County,⁷² a county government, which twice passed over a more qualified white male in favor of a black male and a woman, was found to have violated Title VII since there was no affirmative action plan involved. However, in Doores v. McNamara,⁷³ a police department that gave preference in hiring to minority applicants because of an affirmative action plan was found not to have violated the equal protection clause of the fourteenth amendment. The court found there to be a compelling state interest in fostering better community-police relations by increasing the number of minority officers until the percentage of such officers on the force was equal to the percentage of minority persons in the community.

Criteria or Tests with a Disparate Impact on Women

The status of the law on criteria or tests with a disparate impact on women was formed primarily in the context of racial discrimination.⁷⁴ Facially neutral standards with a disparate impact on women will be held to violate Title VII if a sufficient disparate impact is shown, regardless of an employer's lack of discriminative motive, unless the employer can show a business necessity for the standard. On the other hand, such a standard will be held to be unconstitutional only if the public employer is found to have instituted the policy at least partially in order to discriminate against women.

The Supreme Court, in Dothard v. Rawlinson,⁷⁵ considered a Title VII challenge to the question of height/weight standards for a CO position. A disparate impact on women was shown by data indicating that the standards would eliminate over 41 percent of the female population and less than 1 percent of the male population. The state argued that height and weight are

⁷¹ 19 Fair Empl. Prac. Cas. 1030 (Cal. Ct. App., 3d Dist., Apr. 4, 1979).

⁷² 477 F. Supp. 1084 (S.D. Cal. 1979).

⁷³ 476 F. Supp. 987 (W.D. Mo. 1979).

⁷⁴ See Griggs v. Duke Power Co., 401 U.S. 424 (1971) (Title VII case summarized in n. 9, supra.) and Washington v. Davis, 426 U.S. 229 (1976) (constitutional case summarized in n. 23, supra).

⁷⁵ 433 U.S. 321 (1977) (minimum height 5'2", minimum weight 120 lbs.).

related to strength and that strength is necessary for the CO job. The court ruled that, since the state did not present any evidence of a relationship between the required physical characteristics and strength, the business necessity standard had not been met, and the height/weight requirements violated Title VII. Justice Rehnquist, in a concurring opinion, noted that he did not believe the decision invalidated all, or even many, similar requirements in correction and law enforcement systems. He also stated that if the state had argued that the appearance of strength was a job-related characteristic that was connected to the height/weight standards the argument might have prevailed.

Justice Rehnquist's comments seem to have encouraged law enforcement systems to maintain height/weight standards since there have been a multitude of challenges to such criteria since Dothard was decided.⁷⁶ In all cases the height/weight standards have been found to be in violation of Title VII or of the nondiscriminatory provisions of the Revenue Sharing or the Crime Control acts. It would seem that the lower courts believe, despite Justice Rehnquist's comments, that without rigorous proof of business necessity height/weight criteria for jobs involving the physical subduing or control of others are unlawful.

Privacy Rights of Inmates and Security Interests of Prison Administrators
Versus Employment Rights of Correctional Officers

a. Statement of the problem. Prisons are usually constructed so that COs can keep inmates under surveillance at all times. There are variations from prison to prison in the felt need for keeping inmates under 24-hour surveillance. In general, however, male maximum-security prisons have been

⁷⁶ See, e.g., U.S. v. Commonwealth of Virginia, 454 F. Supp. 1077 (E.D. Va. 1978) (Virginia State Troopers' height/weight standards with disparate impact on women and no showing of job relatedness are unlawful discrimination under the Crime Control Act. When state accepted LEAA funds it was...required to review and modify such discriminatory practices); Police Conference of New York, Inc. v. Municipal Police Training Council, 96 Misc. 2d 315, 409 N.Y.S.2d 100 (1978) (police organization sought order directing the council to formulate minimum height/weight regulations. The court refused to issue such an order since the regulations would violate Title VII and the state Human Rights Law); Vanguard Justice Society, Inc. v. Hughes, 471 F. Supp. 670 (D. Md. 1979) (police department's height/weight standards with disparate impact on women violate Title VII since business necessity for the standards has not been shown. The standards also violate the equal protection clause of the fourteenth amendment since discriminatory intent was shown); Blake v. City of Los Angeles, 595 F.2d 1367 (9th Cir. 1979) (police department's height/weight standards with disparate impact on women and no business necessity violate Title VII, and, since purpose for the standards is administrative convenience, there is no substantial relation to an important governmental objective, and the standards violate the equal protection clause of the fourteenth amendment); and Brace v. O'Neil, 19 Fair Empl. Prac. Cas. 847 (E.D. Pa., Feb. 14, 1979) (police department's height/weight standards with disparate impact on women and no showing of job relatedness violate Title VII).

constructed and administered so as to allow surveillance at all times, whereas male minimum-security prisons are built and operated so that an inmate has some privacy from surveillance, at least in his cell or room, at certain times. Female prisons have traditionally allowed inmates at least as much privacy as male minimum-security institutions.

Correctional officers assigned to housing units during late evening to early morning hours supervise showers, dressing, and toilet functions. Inmates, accustomed to being supervised during these activities by COs of the same sex may find surveillance by COs of the opposite sex an intrusion into their privacy. An especially acute invasion of privacy occurs when officers of the opposite sex must do strip searches of inmates. A strip search can include some or all of the inmate's body cavities. The frequency with which such searches are performed varies from prison to prison and depends partially on whether the institution is a maximum- or minimum-security prison.

The response of many courts to the clash of inmate privacy rights and employment rights of COs is to restrict opposite-sex COs to shifts or job assignments in which they will not be required to perform functions that invade privacy. Exclusion of opposite sex COs affects women most heavily since there are many more men's prisons and thus more positions from which female COs can be excluded because of their sex. In addition to the way this limits equal employment opportunity, it also creates other employment problems. To be eligible for promotion to a supervisory position a CO must usually be able to rotate through all possible assignments. If an officer is not allowed to perform certain assignments or hold certain positions he or she may have difficulty obtaining promotions.⁷⁷ The shifts and duty assignments in a prison are

⁷⁷ Maryland women working in male correctional institutions show concern that the Department of Corrections policy of not allowing women correctional officers to work all duty assignments will adversely affect their promotion applications. Various women interviewed for this study said:

"I can, in a way, see where they would turn down your promotion. Because a sergeant, you would expect a sergeant to be able to work any place, and a woman can't."

"We're not allowed in the housing units and that is the criteria for this job [sergeant]--to work every place."

"We're getting ready to take it (promotion exam for sergeant) again. If I am in the first five, what are my chances of getting it? That's going to be interesting. If I wanted to get technical about it and pursue it and fight it in the courts, they have two male sergeants here who transferred from the female institution....They did not work in the housing units the same as we're not allowed to work in the housing units. So I'm just waiting to see what's going to happen."

The inability of women employees to be promoted if they were denied contact positions in prisons was cited by the court as a basis for its decision that women could not be excluded from CO positions in the Federal Bureau of Prisons in *Reynolds v. Wise*, 375 F. Supp. 145 (N.D. Tex. 1974).

normally governed by a seniority-bid system. When an opening arises, employees bid or indicate that they would like to be transferred to that position. The qualified employee with the most seniority is awarded the position. The system normally operates so that the employees with the least seniority are on the least desirable shifts. However, court orders or prison regulations that restrict opposite-sex COs to positions or work shifts in which they will not be supervising nude or partially clothed inmates have the effect of eliminating COs with the least seniority (the opposite-sex COs) from the least desirable shifts (the late-night to early-morning shifts). This leads to resentment and dissatisfaction on the part of same-sex COs, labor difficulties, and possible reverse discrimination suits. (One reverse discrimination suit that involved promotion was discussed earlier.⁷⁸) In addition, a male CO might file a reverse discrimination suit claiming that a female CO, receiving the same wages as he, was exempted from doing some of the normal CO duties because of her sex and that he, because he was a male, had to do extra or less desirable work.

In general, courts hold that the maintenance of security and order in a prison is of prime importance and that prison administrators are the best people to decide which employee would be a security risk.⁷⁹ Courts are thus reluctant to involve themselves in the administration of prisons, and, when

⁷⁸ See text surrounding n. 71, *supra*.

⁷⁹ Courts have also held that prison administration should be left to the experts--prison administrators--particularly in the case of a federal court and a state prison.

[T]he problems of prisons in America are complex and intractable, and...they are not readily susceptible of resolution by decree. Most require expertise, comprehensive planning, and the commitment of resources, all of which are peculiarly within the province of the legislative and executive branches of government. For all of these reasons, courts are ill equipped to deal with the increasingly urgent problems of prison administration and reform.

...Moreover, where state penal institutions are involved, federal courts have a further reason for deference to the appropriate prison authority.

Procunier v. Martinez, 416 U.S. 396, 405-06 (1974).

See also *Meachum v. Fano*, 427 U.S. 215 (1976) (federal courts will not supervise state prisons. State prisoner not entitled to a hearing when transferred to other prison) and *Sostre v. McGinnis*, 334 F.2d 906 (2nd Cir.), cert. denied, 379 U.S. 892 (1964) (except in extreme cases the courts will not interfere with prison administration.)

For a review of Supreme Court decisions on the scope of prisoners' rights, the balance between such rights and institutional needs, and the problems of judicial involvement with prison administration, see *Bell v. Wolfish*, 441 U.S. 520 (1979).

confronted with prison administrators' decisions that women COs could not possibly keep the prison secure and free of disruption if only because of male inmates' sexist attitudes, courts may be willing to abide by a hands-off policy. Female CO applicants' arguments that many women are as strong as many men, that martial arts and self-defense training can compensate for a lack of physical strength, and that the use of female COs in the federal prison system and some state systems has been successful may go unheeded.

b. Privacy rights versus employment rights.⁸⁰ The constitutional right to bodily privacy in general has developed in the last 15 years primarily in contraception and abortion cases.⁸¹ During that time the courts have held that, while incarceration necessarily involves some loss of privacy, inmates retain at least modified privacy rights. For example, in Wolff v. McDonnell⁸² the court said, "[A] prisoner is not wholly stripped of constitutional protections when he is imprisoned for a crime. There is no iron curtain drawn between the Constitution and the prisons of this country."⁸³ In Bonner v. Coughlin,⁸⁴ a case in which an inmate's cell was searched during his absence and a trial transcript was seized, the court said:

⁸⁰ For an excellent survey of the problem, see Balancing Inmates' Right to Privacy with Equal Employment for Prison Guards, 4 WOMEN'S RIGHTS L. REP. 243 (1978).

⁸¹ There is no constitutional guarantee of a right to privacy per se. In Griswold v. Connecticut, 381 U.S. 479 (1965), a case in which a state law prohibiting the use of contraceptives was declared unconstitutional, the justices put forth a variety of bases for finding a constitutional right to privacy for married couples. The majority opinion based the right on the penumbra of specific guarantees of privacy under the first, third, fourth, and fifth amendments as protected against state interference by the fourteenth amendment. This right to privacy was extended to unmarried couples on an equal protection theory in Eisenstadt v. Baird, 405 U.S. 438 (1972). The abortion decisions built on the privacy rights found in Griswold and Eisenstadt. Roe v. Wade, 410 U.S. 113 (1973), the case holding that a woman has a constitutional right to decide to terminate or continue a pregnancy in the first trimester, was based on the woman's right to privacy. The court held that this right came under the fourteenth amendment concept of personal liberty. To be protected by the Constitution, the court said, a right must be fundamental or implicit in the concept of ordered liberty.

⁸² 418 U.S. 539 (1974).

⁸³ Id. at 555.

⁸⁴ 517 F.2d 1311 (7th Cir. 1975), cert. denied 435 U.S. 932 (1978).

Unquestionably, entry into a controlled environment entails a dramatic loss of privacy. Moreover, the justifiable reasons for invading an inmate's privacy are both obvious and easily established. We are persuaded, however, that the surrender of privacy is not total and that some residuum meriting the protection of the Fourth Amendment survives the transfer into custody.⁸⁵

The courts have also held that limitations on fundamental rights of prisoners must be based on legitimate and reasonable institutional needs. In Pell v. Procunier,⁸⁶ the Supreme Court declared that the function of a correctional system was fourfold: (1) to deter crime, (2) to protect society, (3) to rehabilitate prisoners, and (4) to maintain the internal security of the facility. It also said that "[i]t is in light of these legitimate penal objectives that a court must assess challenges to prison regulations based on asserted constitutional rights of prisoners."⁸⁷

Use of those standards has fostered a case-by-case approach with decisions turning on the particular facts of a case, but, in general, courts have balanced the inmates' right to privacy with the state's interest in security and have

⁸⁵ 517 F.2d at 1316. See also Houchins v. KQED, 438 U.S. 1 (1978) (inmates' privacy rights are one basis for not allowing media access to prison); Runnels v. Rosendale, 499 F.2d 733 (9th Cir. 1974) (inmate has right to sue prison officials for performance of surgical procedure to which he did not consent); Kahane v. Carlson, 527 F.2d 492 (2nd Cir. 1975) (fundamental rights of prisoners are protected by the Constitution); and Hurley v. Ward, 448 F. Supp. 1227 (S.D.N.Y.), aff'd in part, rev'd in part, 584 F.2d 609 (2nd Cir. 1978) (a prisoner does not lose all constitutional protection, and effort should be made to preserve human dignity in prison. The Court of Appeals affirmed the prohibition against genital and anal searches on petitioner, finding them to be without probable cause, but reversed the general prohibition against such searches on all inmates.)

⁸⁶ 417 U.S. 817 (1974).

⁸⁷ Id. at 823. See also Sostre v. Preiser, 519 F.2d 763 (2nd Cir. 1975) (limitations on fundamental rights of prisoners must be supported by legitimate and reasonable institutional needs); and Gittlemacker v. Prasse, 428 F.2d 1 (3rd Cir. 1970) (prisoner's rights and institutional needs for security and effective prison administration must be balanced.)

held that strip searches are permissible under certain conditions⁸⁸ but that supervision of dressing, showering, and toilet functions (and presumably strip searches) must be done by same-sex COs.⁸⁹

⁸⁸ See, e.g., *Daugherty v. Harris*, 476 F.2d 292 (10th Cir.) cert. denied, 414 U.S. 872 (1973) (rectal search prior to court appearance did not violate fourth amendment. It was necessary to protect law enforcement officers); *Frazier v. Ward*, 426 F. Supp. 1354 (N.D.N.Y. 1977) (where alternative security measures are possible, inmates have fourth amendment right against being subjected to routine anal searches); *Hurley v. Ward*, 448 F. Supp. 1227 (S.D.N.Y.), aff'd in part, rev'd in part, 584 F.2d 609 (2nd Cir. 1978) (granted preliminary injunction to plaintiff against strip-frisk search procedures which were not justified by security interest of prison); and *Knauckles v. Prasse*, 302 F. Supp. 1036 (E.D. Pa. 1969), aff'd 435 F.2d 1255 (3rd Cir. 1970), cert. denied 403 U.S. 936 (1971) (strip searches before and after outdoor exercise permissible to prevent transportation of contraband.)

⁸⁹ The courts are also engaged in deciding what constitutional rights prisoners have in areas other than bodily privacy. Some nonprivacy rights cases are:

First Amendment Rights

Freedom of Religion--*Gittlemacker v. Prasse*, 428 F.2d 1 (3rd Cir. 1970) (the state cannot interfere with the religion of inmates, but it need not provide for religious services of a particular faith) and *Kahane v. Carlson*, 527 F.2d 492 (2nd Cir. 1975) (an unusual religious tenet must yield to important and substantial governmental interest in prison security and equal employment opportunity, but state must provide food that does not violate inmate's religious dietary requirements.)

Freedom of Association--*Jones v. North Carolina Prisoners' Labor Union, Inc.*, 433 U.S. 119 (1977) (inmates do not have the right to organize and join a union.)

Freedom of Speech--*Procunier v. Martinez*, 416 U.S. 396 (1974) (stringent mail censorship regulations in prison were held unconstitutional.)

Fourth Amendment Rights

Freedom from Unreasonable Searches and Seizures--*Bonner v. Coughlin*, 517 F.2d 1311 (7th Cir. 1975), cert. denied, 435 U.S. 932 (1978) (inmate retains some expectation of privacy in cell. Prison regulation cannot justify taking inmate's personal property that poses no security risk) and *U.S. v. Stumes*, 549 F.2d 831 (8th Cir. 1977) (decreased expectation of privacy in cell justified warrantless search and seizure of typewriter later used to convict inmate of writing threatening letters.)

Nonconstitutional Rights

Right to Marry--*Koerner v. New Jersey Department of Correction*, 162 N.J. Super. 433, 394 A.2d 1262 (1978) (there is no constitutional right

The draft of the "Standards Relating to the Administration of Criminal Justice," recently compiled by the Criminal Justice Committee of the American Bar Association, does not deal with the clash of inmate privacy rights and employment rights of COs. Instead the standards on privacy rights of inmates are confined to guidelines to be used in searching prisoners and the prison facility.⁹⁰

Several state and federal courts have recently dealt with the conflict of inmates' privacy rights and COs' employment rights. In Gunther v. Iowa State Men's Reformatory,⁹¹ a female CO I in a male moderate-security prison who had been denied promotion to CO II status filed suit under Title VII alleging

to marry. Power to formulate rules governing marriage was delegated to the states by the tenth amendment. Institutional security needs justified prison regulation preventing marriage for this inmate.)

90 Standard 23-1.1 provides that, in general, prisoners retain the rights of free citizens except:

- (a) As specifically provided to the contrary in these standards; or
- (b) Where restrictions are necessary to assure their orderly confinement and interaction; or
- (c) Where restrictions are necessary to provide reasonable protection for the rights and physical safety of all members of the prison community and the general public.

Standard 23-6.10 recommends that strip searches be done in a private place by a supervisor and only when authorized in writing by a supervisor who has "an articulable suspicion that the prisoner is carrying contraband or other prohibited material." Anal or genital searches are to be performed in the prison hospital or other private place by a medically trained person and only when authorized in writing by a supervisor who has "probable cause to believe the prisoner is carrying contraband or other prohibited material there." In general the standard suggests using nonintrusive sensors instead of doing body searches whenever possible and advises that "[i]n conducting searches of the person, correctional authorities should strive to preserve the privacy, dignity and bodily integrity of the prisoner."

These standards will be submitted to the House of Delegates of the American Bar Association in August of 1980. Official commentary on the standards is expected to be available in April of 1980 from the American Bar Association, Criminal Justice Committee, 1800 M Street, N.W., Washington, D.C. 20036.

While these standards will not have the effect of laws or administrative regulations, as statements of policy by the most powerful association of lawyers and judges in the United States, they can be expected to affect policy decisions of prison administrators. They may also be available as evidence of the acceptable standard of care in an inmate suit charging violation of rights.

91 462 F. supp. 952 (N.D. Iowa 1979).

sex discrimination.⁹² The prison administration admitted discrimination on the basis of sex but argued there should be a bfoq for the male sex for the job because allowing women in contact positions with inmates would, among other things,⁹³ violate inmates' privacy rights. Ms. Gunther agreed that assigning women to certain tasks or shifts might be a violation of inmate privacy rights and sought CO II status with assignment only to areas and shifts involving no potential invasion of privacy.⁹⁴ While inmates certainly can raise issues regarding violation of their privacy rights by opposite-sex COs, the court expressed doubt that those issues could be raised by the prison administration, "except as they relate to order and other legitimate purposes of the institution."⁹⁵ Although the Gunther decision was based on the security issue rather than on the privacy issue, the court went on to note that in the prison in question, "where prisoners live in various degrees of exposure, are often viewed by the guards while showering and excreting, and are in constant view of their fellow inmates, privacy has already been seriously eroded."⁹⁶ The court also noted that social attitudes toward nudity are changing and that "[t]he traditional rule that only male guards may view male inmates...may

92 The difference between CO I and CO II positions is explained in a limited way in *Iowa Department of Social Services v. Iowa Merit Employment Department*, 261 N.W.2d 161 (Iowa 1977), the Iowa Supreme Court decision on the state law questions in Gunther. Before filing suit in federal court, Ms. Gunther had prosecuted her claim with the state Merit Employment Commission which found that she was entitled to a promotion. The state appealed to the state district court which upheld the Merit Commission's decision. The state supreme court reversed, holding that under the state equal employment law male sex was bfoq for a CO II position in Iowa prisons because of the close personal contact CO IIs have with inmates and because they are subject to general duty throughout the institution and must supervise showers and toilet functions and conduct strip searches. CO I, on the other hand, is the beginning classification for a new officer, and CO I's rotate through various tasks on a limited basis.

93 The administration also argued that allowing women to be CO II's would jeopardize prison security and rehabilitation programs, put all guards in increased danger, and create discipline problems. The court's reasoning on these security issues will be discussed later.

94 It should be noted that resolutions which provide for CO II status and pay without the full range of CO II duties create additional problems. Male CO II's may file a reverse discrimination suit, or the state civil service commission may reevaluate the job and decide that since female CO II's are not performing the same duties as male CO II's their classification must be changed, and they must be paid at a different rate. This creates a situation very similar to that on which the original suit was based--women are not eligible for CO II status, there is no bfoq for this position, and thus Title VII is, arguably, being violated.

95 462. F. Supp. 952, 956, n. 4 (N.D. Iowa 1979).

96 Id.

derive from just the type of stereotypical value system condemned by Title VII.⁹⁷

Inmates' constitutional privacy rights versus the employment rights of opposite-sex COs was the major issue in Forts v. Ward,⁹⁸ a case in which women inmates of a New York state prison sought an injunction against assignment of male COs to housing and hospital units. Male COs became eligible to bid for positions in the women's prisons in 1976 when, in an attempt to comply with Title VII's prohibition against sex discrimination in employment, the state opened such positions to any qualified applicant, regardless of sex. In Forts, Judge Owen reasoned that "the job of a corrections officer at Bedford Hills can be equally well performed by any qualified and trained man or woman. Sex is therefore not a bona fide occupational qualification,"⁹⁹ but held that the prison must adjust assignment schedules, change prison regulations, or make physical changes in the prison facility so that inmate privacy and equal job opportunity could both be protected.

Judge Barber of the Circuit Court of Oregon relied on Forts in making a decision in which, based on inmate privacy rights, he granted a permanent injunction against women COs conducting "pat down" searches of inmates.¹⁰⁰

Inmates in a California medium-security prison, In re Montgomery,¹⁰¹ petitioned the court to release them from a prison situation in which their toilet and showering facilities were supervised by women COs. In denying the petition, Judge Woolpert said:

This court holds no privacy rights exist for prisoners to successfully complain of their bodies being viewed in whatever condition or position their bodies then happen to be unless such viewing is conducted for purposes of:

- (1) embarrassment of the prisoner
- (2) sexual or emotional gratification of the viewer
- (3) infliction of cruel or unusual punishment on the inmate
- (4) depriving the inmate of his property without due process of law
- (5) depriving him of First, Sixth or Eighth Amendment protections.

96 Id.

97 Id.

98 471 F. Supp. 1095 (S.D.N.Y. 1979).

99 Id., at 1099.

100 Sterling v. Cupp, No. 108,452 (Cir. Ct. of Ore., 3d Judic. Dist., Dec. 6, 1978).

101 No. HC 446 and HC 597 (Cal. Super. Ct., San Luis Obispo Cty., Sept. 19, 1978).

This court may well agree that the viewing of urinating, defecating, or showering by anyone offends the actor's sensibilities. But once such viewing is justified by the prison's need for security, the viewing is not demonstrably more significant, whether by male or female.¹⁰²

In an earlier California case,¹⁰³ the court held that a male inmate's privacy rights were not violated where the inmate alleged that a female CO was in a position to see him but did not allege that she actually saw him. The court seemed to think the suit frivolous since the inmate also alleged violation of the eighth amendment prohibition against cruel and unusual punishment because the guard looked like his wife and since he sought only \$1.99 in damages.

The right to bodily privacy of incarcerated juveniles is guarded more zealously by the courts than that of adult inmates. For example, the court in In re Long¹⁰⁴ relied on inmate privacy rights as well as fear that women would not be able to maintain security to order complete removal of women COs from housing units and the gym of a male juvenile facility, and the court in City of Philadelphia v. Pennsylvania Human Relations Commission¹⁰⁵ relied partly on privacy rights of inmates to hold that male sex is a bfoq for supervisor (a position similar to that of CO in an adult prison) in a male youth correction facility.

The issue of the right to bodily privacy has come up in several related areas, and it has been held that the state as substitute "parent" has a duty to protect inmates in a state mental institution from invasions of their privacy occasioned by the public showing of a documentary on a state mental hospital in which inmates were unclothed.¹⁰⁶ In the few reported cases involving the right of male nurses to work with women patients, decisions have gone both ways.¹⁰⁷ There have, however, been no reported cases involving allegations that privacy rights were invaded when a female police officer frisked a suspect.

¹⁰² Id., Opinion at p. 9.

¹⁰³ Hand v. Briggs, 360 F. Supp. 484 (N.D. Cal. 1973).

¹⁰⁴ 55 Cal. App.3d 788, 127 Cal. Rptr. 732 (1976). This case was dismissed as moot, Sept. 3, 1976.

¹⁰⁵ 7 Pa. Commw. Ct. 500, 300 A.2d 97 (1973).

¹⁰⁶ Commonwealth v. Wiseman, 356 Mass. 251, 249 N.E.2d 610 (1969).

¹⁰⁷ Fesel v. Masonic Home of Delaware, Inc., 447 F. Supp. 1346 (D. Del. 1978), aff'd mem., 591 F.2d 1334 (3rd Cir. 1979) (female sex is bfoq for position of nurse in this nursing home since there is no other feasible way of safeguarding privacy rights of patients); Wilson v. Sibley Memorial Hospital, 340 F. Supp. 686 (D.D.C. 1972), rev'd on other grounds, 160 U.S. App. D.C. 14, 488 F.2d 1338 (D.C. Cir. 1973) (hospital violated Title VII by refusing to refer male nurse for private duty assignment); and 4 Fair Empl. Prac. Cas. 17 (EEOC Decision 71-2410, June 5, 1971) (female sex is not bfoq for nurse in senior citizens' convalescent facility since employer did not meet burden of showing that all or nearly all male nurses could not perform essential elements of the job.)

c. Security interest versus employment rights. The Supreme Court, in Dothard v. Rawlinson¹⁰⁸ based its holding that male sex was a bfoq for a CO in an Alabama maximum-security prison for men on the belief that women could not maintain prison security, a belief that, Justice Marshall pointed out in his dissent, was not substantiated by the facts in the record. The Court was careful to limit the application of its decision to the Alabama prison situation,¹⁰⁹ which it characterized as having a "jungle atmosphere" because staff and facilities were inadequate and sex offenders, who comprised 20 percent of the prison population, were not segregated. Justice Steward, writing for the majority, stated that

The likelihood that inmates would assault a woman because she was a woman would pose a real threat...to the basic control of the penitentiary and protection of its inmates and the other security personnel. The employee's very womanhood would thus directly undermine her capacity to provide the security that is the essence of a correctional counselor's responsibility.¹¹⁰

Thus the Court believed that both the Diaz "essence of the business" and the Weeks "all or substantially all women would be unable to perform the job" bfoq tests were met.

Justice Marshall, in his dissent, also noted the incongruity of essentially forcing female employees to pay for the sexual violence male inmates may direct toward them. One commentator has pointed out that courts have not shared the same concern for the inability of male officers to keep the prison

¹⁰⁸ 433 U.S. 321 (1977).

¹⁰⁹ The court was also careful to point out that its decision was not based on a protective, paternalistic attitude that women should not be allowed to decide to take dangerous jobs.

A New York court made the same decision in State Division of Human Rights v. New York State Department of Correctional Services, 61 App. Div.2d 25, 40 N.Y.S.2d 619 (1978). The state administrative agency in that case had found male sex to be a bfoq for the job of cook in a male medium-security prison because of the danger of sexual assault. The administrative agency said "[a]n attractive female working alone in a prison facility is not the type of responsibility that a superintendent [of prisons] should be required, under our law, to have." 401 N.Y.S.2d at 621. The state court, however, held that male sex is not a bfoq for the job because danger alone is not sufficient justification for a bfoq, and women have the right to choose risky jobs.

An Oklahoma court made a similar decision in Tracy v. Oklahoma Department of Corrections, 10 Fair Empl. Prac. Cas. 1031 (W.D. Okla. May 31, 1974). In that case a violation of Title VII was found where the Department of Corrections, in a good faith attempt to protect women from aggressive male clients, had refused to hire women as parole and probation officers for males.

¹¹⁰ 433 U.S. 321, 336 (1977).

secure after same-gender sexual attacks on them, nor have they reacted protectively when such attacks have occurred. He is concerned that the Dothard rationale may be extended to exclude women from CO positions in all maximum-security prisons and possibly minimum- and medium-security prisons and from positions as parole or probation officers as well.¹¹¹

It is interesting to speculate on what the judicial reaction would be to a challenge to lack of equal employment opportunity for opposite sex COs under the federal or state equal rights amendments. If physical characteristics formed the only basis for any exception to strict application of the equal rights principles, a prison official could make a weak, but plausible, argument that it was a woman's physical sexual characteristics that made her vulnerable to sexual assault, that this vulnerability endangered prison security, and that there should therefore be an exception to the equal rights principle for the hiring of COs. A myriad of problems would arise. Sexual assault has been shown by many investigators to be a crime of violence against women in general not a crime of sexual passion.¹¹² Most courts, however, have continued to consider sexual assault to be a crime of sexual passion. Thus it would be logical for the courts to grant an exception to the equal rights principle in hiring only those women whose physical sexual attributes might inflame an inmate's sexual passion. How would the determination of who could be hired under such a standard be made? Might it finally be necessary for courts to recognize that sexual assault is indeed a crime of violence against women in general?

Despite the Dothard decision, the court in Gunther v. Iowa State Men's Reformatory¹¹³ refused to find male sex a bfoq for a CO II position although the prison administration raised the specter of jeopardy to prison security and increased danger to the guards if that were not done. Dothard was distinguished by the Iowa court on the basis that the Iowa prison did not have the jungle atmosphere on which the Dothard decision was based. In analyzing the bfoq defense, the court employed the Weeks and Diaz tests¹¹⁴ and found:

Testimony established that any officer, male or female, is equally subject to assault. Sexual assault on female officers may be of a higher probability than for males. However, as far as impact on prison discipline

¹¹¹ Jacobs, The Sexual Integration of the Prisons Guard Force: A Few Comments on Dothard v. Rawlinson, 10 U. TOL. L. REV. 389 (1979).

¹¹² See, e.g., Menachem Amir, PATTERNS IN FORCIBLE RAPE, Chicago: The University of Chicago Press, 1971; and Susan Brownmiller, AGAINST OUR WILL, New York: Simon and Schuster, Inc., 1975.

¹¹³ 462 F. Supp. 952 (N.D. Iowa 1979).

¹¹⁴ The court also used an administrative convenience test: "Would any personnel adjustments caused by hiring female CO IIs substantially impinge on the efficient and effective operation of the facility?" Id., at 956. In finding no bfoq under this test, the court said, "[a]dministrative inconvenience cannot justify discrimination (cites omitted)." Id., at 957.

is concerned, an assault is an assault. A sexual assault would only be more destructive if of its very nature it led to major disruption. There is no evidence to support that possibility. The experience of using female officers in contact positions in other state and federal prisons indicates that the fears voiced by the state and state Supreme Court are highly speculative and based on stereotypical views of "macho" roles among prisoners and a woman's inability to cope with the psychological and physical problems inherent in a prison environment.¹¹⁵

Manley v. Mobile County, Alabama,¹¹⁶ is another case dealing with the security interest of a corrections system. The county sheriff's department refused to hire a woman for the position of Identification Assistance Officer (IAO). Duties of the job included fingerprinting and photographing incoming prisoners, all of whom were male, and many of whom were violent and attempted to escape. The process was structured so that an IAO was alone with the incoming prisoner for some of the time. In refusing to find male sex a bfoq for the IAO position, the court noted that, unlike the CO position in Dothard, the essence of the job of IAO was not maintenance of security, that male IAOs had been assaulted, and that, at any rate, it was possible to change procedures at the jail so that a law enforcement officer was with the incoming prisoner at all times during the processing.

A pre-Dothard California court that faced the security interest (and privacy right) versus employment rights issue at a youth correction facility held that all women COs must be eliminated from the facility.¹¹⁷

In related areas, the court in Long v. State Personnel Board¹¹⁸ based its decision that a woman could be denied employment as a chaplain at a male juvenile facility on security and rehabilitation interests of the state. The court argued that a woman could not control male teens, and if one raped her

¹¹⁵ Id., at 957.

¹¹⁶ 441 F. Supp. 1351 (S.D. Ala. 1977).

¹¹⁷ In re Long, 55 Cal. App.3d 788, 127 Cal. Rptr. 732 (1976) (dismissed as moot on Sept. 3, 1976).

¹¹⁸ 41 Cal. App.3d 1000, 116 Cal. Rptr. 562 (1974).

it would detrimentally affect his rehabilitation. In the law enforcement area, courts have consistently refused to allow law enforcement agencies to exclude women from "dangerous" positions.¹¹⁹

d. Possible resolutions of the problems. There is no easy solution that will absolutely protect CO employment rights, inmate privacy interests, and prison administrators' interest in security. The courts have alternated between two solutions, both of which involve varying amounts of sacrifice of those interests.

Some courts have created a bfoq for same-sex COs based on inmate privacy rights or the security interest of the prison.¹²⁰ Other courts have rejected that solution.¹²¹ While it may absolutely protect inmate privacy interests in not being viewed by members of the opposite sex, it offers no employment protection for COs. Opposite-sex COs are absolutely prohibited from working in a prison since some duties of the job might invade privacy or security interests. That approach also, unfortunately, incorporates sex-stereotyping into the law when it is applied as it was in Dothard with no proof of a woman applicant's ability or lack of ability to maintain security.

Other courts have approved of selective work or shift assignments or advocated moderate physical changes in the prison to protect privacy or security interests.¹²² While at least partially protecting all three of the threatened interests, such an approach creates various employment problems. Seniority-bid systems cannot be followed, and same-sex COs with more seniority

¹¹⁹ See, e.g., Blake v. City of Los Angeles, 595 F.2d 1367 (9th Cir. 1979) (prior practice of limiting the duties of policewomen to tasks related to women and children violated Title VII because not based on business necessity and violated the equal protection clause because exclusion of women from general duties was for administrative convenience and thus was not substantially related to an important governmental objective. Present height/weight standards which have disparate impact on women do not meet business necessity test and violate Title VII.); Vanguard Justice Society, Inc. v. Hughes, 471 F. Supp. 670, 698-720 (D. Md. 1979) (where police department has past history of exclusion of women from general patrol duties, and department officials display sexist attitudes, height/weight standards, which have a disparate impact on women and are not fairly and substantially related to the performance of their duties, violate Title VII and the equal protection clause); and Meith v. Dothard, 418 F. Supp. 1169 (M.D. Ala. 1976), aff'd in part and vacated in part on other grounds sub nom. Dothard v. Rawlinson, 433 U.S. 321 (1977) (refusal to hire woman as state trooper because of 5'9"/160 lb. height/weight requirement violated the equal protection clause. Intent to discriminate was inferred from the disparate impact on women coupled with the sexist attitudes of police administrators.)

¹²⁰ See n. 92, supra, and the text surrounding nn. 105, 108, and 117, supra.

¹²¹ See the text surrounding nn. 99, 100, and 113, supra.

¹²² See the text surrounding nn. 94 and 99, supra.

than opposite-sex COs may have to work the least desirable shifts and perform the least desirable tasks. That can certainly lead to resentment and decreased employee morale. It may also lead to sex discrimination suits based on Title VII, on the equal protection clause of the fourteenth amendment, or on state ERAs.

The EEOC and other administrative agencies have attacked the employment rights problem by requiring the formation of affirmative action plans or remedial standards for the inclusion of women in all positions, such as CO positions, from which they have traditionally been excluded.¹²³ While that approach offers the most positive protection for employment rights, it does not take into consideration the privacy or security issues. In addition, it might lead to reverse discrimination suits, although the possibility is minimized by the recent EEOC Guidelines on Affirmative Action.

Thus, all remedies currently employed by the courts and administrative agencies lead to employment problems or vulnerability to suit and only partially, if at all, protect the threatened rights and interests. By creating unequal jobs for women and men they are violative of the equal rights principle and of existing state ERAs. Solutions that uphold the equal rights principle must be found. Possible solutions include setting standards for the protection of inmates' privacy rights that apply equally to female and male COs, forming adequate self-defense training programs for all COs, and creating prison environments in which all COs (and inmates) have adequate assurance of protection from assault or prompt access to aid in the event of an attack. While such solutions, in theory, maximize the protection offered to all rights and interests involved, they are long-term, not immediate, answers.

One difficulty inherent in the establishment of privacy standards that apply equally for either female or male COs is the fact that traditionally in our culture bodily exposure to a person of one's own sex is not as great an invasion of privacy as is bodily exposure to a person of the opposite sex. Much could be done, however, to increase an inmate's privacy from all COs and other inmates by making physical changes in the prisons and by rewriting prison regulations to incorporate inmate privacy rights.

Both the establishment of standards for protecting inmate privacy rights and the assurance of reasonable safety from assault for all COs would require major structural and organizational changes in some prisons. Renovation of

¹²³ See the text surrounding nn. 64 and 69, supra.

existing structures would be a difficult and costly process,¹²⁴ but such structural changes are feasible and should be incorporated in new prison building.

Federal administrative agencies, with their rule-making and enforcement powers, might seem to be the ideal vehicle for implementing such major prison reforms. However, since there currently seems to be a feeling in Congress that less regulation by the federal government is desirable, it is doubtful that this implementation route is workable.

Courts, because of their reluctance to be involved in prison administration, undoubtedly will not be inclined to tell prison administrators precisely which changes they must make in prison structures or regulations. However, courts can mandate the formation and implementation of some plan to protect privacy rights, security interests, and employment rights, leaving prison administrators to work out ways to achieve the necessary goal. Such methods have been tried, with at least modest success, in the school desegregation cases, and there seems no reason why they would not apply equally well to prison reform.

Other sources of impetus for reform to maximize employment, privacy, and security goals are prison administrators themselves, inmate councils, and professional organizations in the corrections field, as well as public interest groups with concern for prison reform.

Let us hope that with a combination of approaches, solutions that are consistent with the equal rights principle will be found, offering maximum protection to employment rights and to privacy and security interests.

¹²⁴ One court, which found that a county jail constituted cruel and unusual punishment because of unsafe and unsanitary conditions, took the position that money must be spent to repair and maintain the facility and to hire additional COs or the jail would be closed. The court said:

This court does not take the position that it should at this time order the county defendants to expend large sums of money. However, let there be no mistake, appropriate moneys must be expended in order to bring the operation of the Lubbock County Jail and the maintenance thereof within constitutional conditions and practices. Vindication of conceded constitutional rights cannot be made dependent upon any theory that it is less expensive to deny [them] than to afford them.
(Cites omitted.)

Vest v. Lubbock County Commissioners Court, 444 F. Supp. 824, 834 (N.D. Tex. 1977).

SUMMARY

Over the past two decades, wider use of the equal protection clause of the fourteenth amendment as well as Title VII of the Civil Rights Act of 1964 and the enactment of various federal and state statutes have been helpful in the overall struggle to gain equality of opportunity in employment for women and minorities. Problems remain, however, in that those legal aids are not being fully utilized, and plans to remedy the effects of past discrimination are vulnerable to a variety of challenges including "reverse discrimination" suits. In addition, increased participation of women in the field of corrections has been seriously hindered by the unresolved conflict between employment rights of women on the one hand and inmate privacy rights and institutions' security on the other. Since approximately 95 percent of the incarcerated population is male and has traditionally been supervised by males, women have limited access to the protective service or correctional officer positions which account for almost 40 percent of employment in the field. To date, the response of many courts to the clash of inmate privacy rights and/or institutional security with employment rights of COs has been to restrict opposite-sex COs to shifts or job assignments in which they will not be required to perform duties that invade privacy or threaten security. Another approach adopted by some courts has been to create a bfoq for same-sex COs. While that solution tends to protect both privacy rights and institutional security, it affords no employment protection for opposite-sex COs. Possible solutions to the dilemma include setting standards for the protection of inmates' privacy rights that apply equally to male and female COs, forming adequate self-defense training programs, and creating prison environments that provide all concerned with adequate protection from assault. These solutions, however, tend to be long-term rather than immediate answers.

CHAPTER 7. RECOMMENDATIONS

AN OVERVIEW OF DIFFERENTIAL MOBILITY AND ATTAINMENT

Corrections has been and remains a male dominated field. According to EEO-4 survey data, only 29.3 percent of those employed in corrections in 1979 were women. In comparison with a participation rate of 41.7 percent for women in the employed civilian labor force, it is clear that women are seriously underrepresented in corrections.

In addition, corrections has been and continues to be characterized by the segregation of women and men into different occupations and different work settings. To the extent that women are working in corrections, they remain concentrated in support staff positions and underrepresented in administrative, professional, and security occupations. To the extent that women are involved in the delivery of services to clients, they work with adult female and juvenile offenders rather than adult male offenders.

Occupational segregation subsumes a multitude of factors that work to the disadvantage of women employed in corrections. Women not only experience differential recruitment and placement; once in the field, their mobility and attainment also differ from men. The data collected in this study indicate that although the rate of mobility and attainment for women and men is similar, most of the mobility for women is from jobs with low levels of authority to midlevel jobs while men are more likely to move to upper level jobs.

Individual Factors

The explanation for differential mobility and attainment must take into account both individual attributes and organizational factors. In some cases, it is not difficult to isolate differences in individual attributes. For example, education is an important individual attribute that contributes to mobility and attainment. The fact that the men who participated in this study are more likely than the women to have postcollege education is related to the greater likelihood that they will attain positions with high levels of authority. There are other instances, however, in which what are assumed to be individual attributes seem so influenced by the work environment that it is difficult to consider them as "individual." Examples are the variables of aspiration and seniority.

Researchers and policy-makers often attribute women's lower levels of attainment to their lack of aspiration and commitment. In this study, however, it appears that women and men have similar levels of commitment to corrections. For example, women and men enter corrections for similar reasons--interest in the field and improved career opportunities. In addition, the same percentages of women and men report that they have career goals in corrections.

At the same time, in contrast to the similarity in levels of commitment to corrections, men are more likely than women to aspire to higher levels of authority. In question here is the degree to which organizational factors not only limit the possibilities for women to achieve those positions, but also contribute to the difference in aspirations.

Another explanation for the lower mobility of women is the length of time they have been in the field. As the data indicate, seniority is closely related to mobility and job attainment, and women, on the average, have been in corrections for fewer years than men. When focusing on lack of seniority as an explanation, two issues must be addressed. First, lack of seniority does not explain all of the differences between women and men in mobility and attainment. For example, women in professional occupations in South Carolina have experienced less mobility than their male counterparts although the differences in length of time in corrections are quite small. Second, seniority tends to be treated as an individual attribute, and the organizational process is ignored. It is assumed that a person's decision to stay in or to leave a job is entirely a personal choice not affected by the work environment.

Organizational Factors

As the data collected in this study suggest, there are key organizational factors that may be related to job mobility and attainment, and that also may have an impact on the "individual" attributes discussed above. They are training, recognition for excellence in work performance, and encouragement from others to seek more responsible positions.

Women in all three states report that they have received less training than their male coworkers. In particular, the lack of training provided for the largely female support staff has the effect of excluding a large percentage of women from the mobility structure. The lack of formal training opportunities, however, extends to women in other job categories. The smaller number of training opportunities available to women affects their ability to qualify for higher levels of authority. That women are interested in and desirous of such opportunities is indicated by the amount of self-initiated training they report.

The data suggest that recognition for competent work and encouragement to seek promotions may also be important factors in job mobility and attainment and in shaping aspirations. In this study, women report receiving official recognition less often than men. While the difference seems in part due to the lack of recognition given clerical workers, women in professional occupations in all three states also report receiving less recognition than men in their positions. In addition, women in professional occupations report that they have received less encouragement to seek promotions than men. The differing amounts of recognition for work and encouragement to apply for promotions seem to be important factors in understanding some of the male/female differences in attainment as well as aspirations.

That work environment for women is less supportive is also reflected in the relationships of women with their supervisors and coworkers. In Michigan, women rank relationships with supervisors as the second most unattractive aspect of their jobs; this is ranked last by men. Furthermore, in both

states a higher percentage of women than men put relations with coworkers as an unattractive aspect of their job. Those reported negative relationships with supervisors and coworkers may reflect the more subtle effects of a discriminatory environment rather than overt discrimination per se. According to studies by Kanter cited earlier, whenever an organization has only a few members of a minority group, those members experience social isolation, stereotyping, and other stresses because of their "uniqueness." While more research is needed, it is quite likely that the negative influence of tokenism and the perceived discrimination and lack of recognition all work to lower women's aspirations and attainment.

Legal Aspects

It is unlikely that the status of women in the field of corrections will change significantly until they are no longer "unique." To a great extent that will be determined by the resolution of two issues: elimination of the legal barriers to the employment of women in corrections and elimination of the differential impact of organizational factors on women and men.

Over the past 15 years, legislation, judicial decisions, and executive orders have done much to broaden employment opportunities for women in general. Affirmative action efforts that seek to eliminate the effects of discrimination have been upheld by the courts and remain workable tools for securing the entry of women into occupations that were formerly closed to them. While laws and court decisions cannot eliminate sexist attitudes, they can prohibit the imposition of those attitudes on women employees.

There are, however, several areas in which legal barriers continue to have direct impact on the employment of women in corrections. Most states still have veteran's preference laws, the effect of which is discrimination against women in civil service systems. Since the Supreme Court has held that this discrimination is not unconstitutional, the main work in the area now centers on urging Congress to prohibit such discrimination through legislation. In addition, while the courts have clearly prohibited the use of neutral employment criteria, such as height and weight standards, that discriminate against women and that are not shown to be necessary to the job, such criteria continue to be used by some law enforcement and corrections systems. The need for continued vigilance is clear.

Perhaps the area in which the law is most in flux is that involving the conflict between the employment rights of women on the one hand and inmates' privacy rights and institutions' security interest on the other. It is a particularly critical issue for women because approximately 51 percent of all corrections employees are working in institutions and jails for adult males. With women virtually excluded from those settings, it is impossible for them to reach a level of participation in the corrections labor force comparable to that of women in the general labor force. Long-term solutions to the conflict have been explored in detail in Chapter 6, but immediate solutions which do not do violence to the equal rights principle are difficult to find.

DIRECTIONS FOR FURTHER RESEARCH

The following model (see Figure 2) is based on the findings of the present study and on conclusions from research in occupational attainment and sex stratification. (A selected bibliography follows this chapter.) The model is intended to provide a conceptual framework for future research and is not a measurement model. Furthermore, it is not intended to cover every conceivable research need, but to conceptualize some critical variables in the occupational attainment process. According to the model, future research should focus on three aspects of attainment: income/salary, job level, and authority. Most research on the subject conceptualizes attainment as income and job level. (See bibliography for examples and possible measure.) However, several recent studies, such as that of Wolf and Fligstein cited earlier, indicate that while two people may have similar incomes and job levels, they do not necessarily exercise the same authority. Thus, it is crucial that future research include "level of authority" as defined in Chapter 5 as a dependent variable.

As the model suggests, the process of occupational attainment occurs within and is affected by the broader economic, political, and legal context. For example, with the advent of LEAA funding, some corrections systems were able to add positions, and opportunities for attainment were enhanced. Since corrections systems develop and must operate within the constraints of that broader context, future research must consider those factors.

The model further indicates that corrections systems directly affect and are affected by characteristics that individuals bring to organizations within the system and by the organizations themselves. Following closely the discussion in Chapter 5, the model also suggests a reciprocal relationship between the organizational dimensions and individual characteristics. In short, it is all of those relationships and factors that determine the outcome of occupational attainment.

Research directed by the model can overcome limitations in the present study by proceeding in two directions. First, national, cross-state studies are needed to establish patterns between the categories represented in the model. Second, in-depth studies within corrections systems and individual agencies and institutions are needed to examine the dynamics underlying the general patterns.

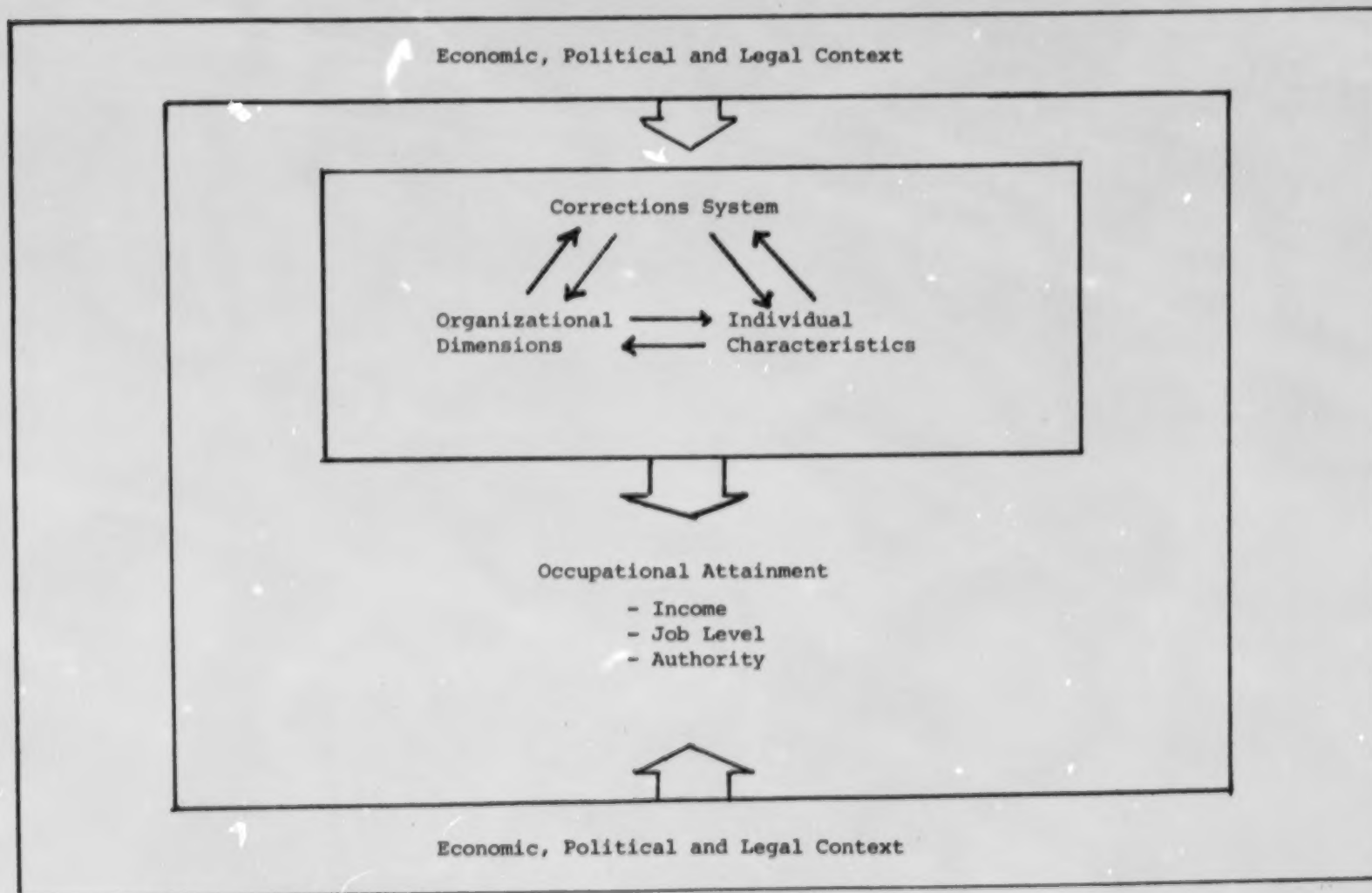
To provide concrete suggestions for future research, however, it is necessary to expand briefly on the broad categories in the model. In the process, research questions can be raised that are appropriate for future studies.

Economic and Political Context and Legal Institutions

Research on employment in corrections must consider the economic and political context in which corrections systems operate as well as the legal requirements that shape the mobility and occupational attainment of women. The following are questions that address some of the key issues:

- o In what way does the expansion or contraction of employment opportunities in corrections systems affect the attainment, i.e., income/

Figure 2: RESEARCH MODEL OF OCCUPATIONAL ATTAINMENT IN CORRECTIONS



- salary, job level, authority of women?
- o To what extent do veteran's preference laws hinder affirmative action programs in corrections organizations?
- o Under what conditions are employment rights of women in opposition to privacy rights of male inmates?

Corrections Systems

The experience of the present study highlights the importance of the diversity of work settings across corrections systems. For example, some systems are controlled at the state level while others are controlled at the local level. It also seems to matter whether one is talking about employees in institutions or in such noninstitutional settings as parole/probation agencies, halfway houses or administrative offices. A further distinction is whether they work with adult male, adult female or juvenile offenders. Still other differences across systems are the degree of administrative centralization and the presence of employee unions. Some possible research questions that follow from those considerations are:

- o What impact, if any, do different administrative structures have on the recruitment, placement, and promotion of women?
- o How does the unionization of a system affect the hiring and advancement of women?
- o How do the aspirations and attainment of women working with offenders in institutions differ from those of women working with offenders in noninstitutional settings?
- o How do the aspirations and attainment of women working with adult male offenders differ from those of women working with adult female or with juvenile offenders?

Organizational Dimensions

Some of the most critical issues concern the way in which organizational environment shapes women's commitment and aspirations and their occupational attainment. For example:

- o In what way do organizations with skewed sex ratios constitute a discriminatory environment?
- o What are the psychological, economic, and career costs of tokenism?
- o How do recruitment and training policies affect women's work performance and, consequently, their promotion possibilities?
- o Do formal promotional criteria constitute a form of secondary discrimination? For example, given the short history of women in corrections, is seniority a fair criterion for promotion?
- o How are women affected by such informal mechanisms of promotion as sponsors and friendships?
- o Is there a relationship between the size of an organization and its willingness to establish such policies as flexi-time and day care that may specifically benefit women?

Individual Characteristics

Individual characteristics, such as education, have been overemphasized as an explanation of women's lower levels of attainment. Clearly, those are

important and should be included in employment research. However, as the model suggests, many individual characteristics may be shaped by organizational practices. As a result, distinctions should be made between those "achieved" characteristics (education, job performance, experience, career commitment, and aspirations) that may be affected by organizational practices, and "ascribed" characteristics (age, sex, race, marital status.) Some possible questions are:

- o How are ascribed and achieved characteristics related to occupational attainment of women compared with attainment of men? For example, do men and women benefit equally from the same level of education?
- o What organizational practices--formal or informal--contribute to or constrain the career commitment and aspirations of women?
- o How do women and men in similar occupations and with similar individual characteristics compare in job performance controlling for organizational constraints?

POLICY RECOMMENDATIONS

To the extent that the present study stimulates interest in and provides focus for further research efforts on the status of women in the field of corrections, it will have achieved its primary objective. It is very clear, however, that additional research will not in itself add to the number of women in the field or bring about their genuine integration into positions throughout organizational structures. Positive and creative action plans are the over-riding need. The following suggestions are offered as examples of ways in which recruitment, retention, and advancement of women might be increased:

- o Establish a dynamic recruitment program directed specifically to women in colleges and other civil service agencies. Aspects of the program could include presentations to women's groups by persons with operational experience and the establishment of internships or work/study programs in which participants would gain genuine experience in the field.
- o In all publications, especially career pamphlets and vacancy announcements, descriptions of work in corrections should be such that they would attract the interest of women as well as men. For example, emphasis should be given to the "enabling" aspects of corrections work rather than the "controlling" aspects. If pictures of corrections employees working with offenders are used, they should show women as well as men in those roles.
- o Provide support staff with the opportunity to participate in initial training programs, such as those given for new correctional officers and new parole/probation officers. That would enable them to develop a clearer understanding of the role they play--or might play--in the organization.
- o Develop quality training programs for both men and women that focus on the development of cooperative work relationships. In addition, establish a sensitive employee grievance system, distinct from the old "chain-of-command" complaint system, in which mediation techniques would be fully utilized. To achieve their objectives, both will require the strongest possible endorsement from

persons in top administrative levels. The importance of such programs cannot be over-emphasized. It was very clear, especially from interviews with women in predominantly male occupations, that the problems of harassment from male coworkers and supervisors alike are a major concern and "there is simply nowhere to go for help."

- o Establish trainee positions as part of organizational career paths and encourage support staff to apply for them. A plan of that nature would benefit the needs of the organization and increase opportunities for upward mobility. For example, in the event funds are available for two additional parole/probation officers, it might be possible to set up three trainee positions under the supervision of current officers. If those selected for the trainee positions were from the support staff, they would already be knowledgeable about procedures and could, therefore, become effective in their new roles more quickly than someone hired from "outside." In addition, the plan would provide a means of incorporating support positions into the overall mobility structure of the organization.
- o Open all positions in the field of corrections to qualified women. Of all the recommendations that can be made, none is more critical nor more germane to increasing the participation of women in the field. The California Supreme Court in Sail'er Inn, Inc. v. Kirby, 5 Cal. 3d 1, 485 p.2d 529 (1971) summarized well the position that must be taken in corrections and the larger world of work as well:

Laws and customs which disable women from full participation in the political, business and economic arenas are often characterized as "protective" and "beneficial." Those same laws and customs applied to racial and ethnic minorities would readily be recognized as invidious and impermissible. The pedestal upon which women have been placed has all too often, upon closer inspection, been revealed as a cage. We conclude that sexual classifications are properly treated as suspect, particularly when those classifications are made with respect to a fundamental interest such as employment.

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APPENDIX A

PARTICIPATING AGENCIES BY STATE

Maryland

- A. Division of Correction, Department of Public Safety and Correctional Services
 - 1. Administrative Offices
 - 2. Reception Center
 - 3. Maryland Penitentiary
 - 4. Maryland House of Corrections
 - 5. Maryland Correctional Institution for Women
 - 6. Maryland Correctional Pre-Release System
 - a. Pre-Release System Administrative Offices
 - b. Brockbridge Correctional Facility
 - c. Community Vocational Rehabilitation and Pre-Release Unit
 - d. Eager Street Pre-Release Unit
 - e. Greenmount Avenue Pre-Release Unit
 - f. Pre-Release Unit for Women
- B. Division of Parole and Probation, Department of Public Safety and Correctional Services
 - 1. Area II - Baltimore City
 - 2. Area III - Anne Arundel County only
- C. Juvenile Probation, Department of Health and Mental Hygiene
 - 1. Region 5 - Anne Arundel County
 - 2. Region 8 - Baltimore City

Michigan

- A. Department of Corrections
 - 1. Administrative Offices
 - 2. Cassidy Lake Technical School
 - 3. Camp Waterloo
 - 4. State Prison of Southern Michigan
 - 5. Huron Valley Women's Facility
 - 6. Bureau of Field Services
 - a. Adult Probation, Washtenaw County
 - b. Adult Parole, Washtenaw County
 - c. Community Residential Placement, Washtenaw County
 - d. Adult Probation, Jackson County
 - e. Adult Parole, Jackson County
 - f. Community Residential Placement, Jackson County

B. Department of Social Services

1. Jackson County Delinquency Unit
2. Jackson County Halfway House (Youth)
3. Jackson County Juvenile Court
4. Washtenaw County Juvenile Court

C. Other

1. Adult Probation, Jackson County
2. Jackson County Sheriff's Department
3. 12th and 13th District Court Probation, Jackson County
4. Adult Probation, Washtenaw County
5. Washtenaw County Sheriff's Department
6. 14th and 15th District Court Probation, Washtenaw County

South Carolina

A. Department of Corrections

1. Administrative Offices
2. Non-Regionalized Institutions
 - a. Central Correctional Institution
 - b. Kirkland Correctional Institution
 - c. Women's Correctional Center
3. Midlands Correctional Region
 - a. Administrative Office
 - b. Reception and Evaluation Center
 - c. Campbell Pre-Release Center
 - d. Goodman Employment Program Dormitory
 - e. Watkins Pre-Release Center
 - f. Women's Work Release Dormitory

B. Probation, Parole and Pardon Board

1. Administrative Offices
2. Richland County Offices

C. Department of Youth Services

1. Administrative Offices
2. Reception and Evaluation Center
3. Willow Lane School
4. John G. Richards School for Boys
5. Birchwood Campus

D. Department of Juvenile Placement and Aftercare

1. Administrative Offices
2. Family Court

E. Other

1. Office of Criminal Justice Programs (now the Division of Public Safety)
2. Richland County Detention Center
3. Columbia City Jail

APPENDIX B

QUESTIONNAIRE

The Center for Women Policy Studies in Washington, D.C. is conducting a twelve-month study of the factors which affect the recruitment, placement, and advancement of women in the field of corrections. In order to gain as broad a perspective as possible for analyzing those factors, we are seeking input from both women and men in all areas of the field concerning their employment/career histories in corrections. We would appreciate it if you would take a few minutes of your time to complete the attached questionnaire. We assure you that your responses will be kept in the strictest confidence and you will remain anonymous.

General Directions:

- A. Please read each item carefully before deciding which response is the most appropriate. Place a check (X) before the number of the response you choose. Some questions will require a different form of response; where that is the case, special instructions will be given and will appear in capital letters.
- B. In Section II and Section III, you will be asked to indicate the type of agency or institution in which you are/were employed and the general job category of your position. Please select the appropriate response from the following lists and write the code number in the space provided.

Type of Agency

- 010 Department of Corrections - Adult
- 012 Department of Corrections - Juvenile
- 013 Federal Bureau of Prisons - Central/Regional Office
- 021 Department of Parole/Probation - Adult
- 022 Department of Parole/Probation - Juvenile
- 030 Criminal Justice Planning Agency - Corrections
- 040 Federal Adult Facility
- 041 State Adult Facility
- 042 Local Adult Facility
- 060 Federal Parole/Probation Agency
- 061 State Parole/Probation Agency - Adult
- 070 Juvenile Parole/Probation Agency
- 080 Community Treatment Center

General Job Category

- 010 Administrator/Director (Chief Executive, Deputy, Assistant/Associate Director, Warden, Associate Warden, Superintendent, etc.)
- 020 Division/Department Chief (3rd level administrator)
- 021 Medical Services Supervisor
- 022 Inmate Programs Supervisor (Education, Chaplaincy, Recreation, etc.)

- 023 Staff/Institution Operations Supervisor (Accounting, Personnel, Research, Training, Planning, etc.)
- 024 Classifier/Counselor/Caseworker Supervisor
- 025 Security Staff Supervisor
- 026 Administrative Aide/Clerical Supervisor
- 031 Medical Services Staff (Doctor, Psychiatrist, Nurse, Dietician, etc.)
- 032 Inmate Programs Specialist (Teacher, Chaplain, Recreation Specialist, etc.)
- 033 Staff/Institution Operations Specialist (Accountant, Personnelist, Researcher, Staff Trainer, etc.)
- 034 Classifier/Counselor/Caseworker
- 035 Parole Hearing Officer
- 040 Security Staff Personnel
- 050 Paraprofessional (Research Assistant, Medical Assistant, Casework Aide, Recreation Assistant, etc.)
- 060 Secretarial/Clerical (Secretary, Typist, Clerk, Switchboard Operator, etc.)
- 070 Skilled Craft (Plumber, Electrician, Carpenter, etc.)
- 080 Service/Maintenance (Cook, Laundry Operator, Gardener, etc.)
- 090 Law Enforcement

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SECTION I: BASIC DEMOGRAPHIC DATA

1. Total Number of Years in Corrections

- ☐ Less than 2 years
- ☐ 2 - 4+ years
- ☐ 5 - 7+ years
- ☐ 8 - 10+ years
- ☐ 11 - 13+ years
- ☐ 14 - 16+ years
- ☐ 17 - 19+ years
- ☐ 20 years and over

2. Educational Background

- ☐ Some High School
- ☐ High School/G.E.D.
- ☐ Some Undergraduate Courses
- ☐ Associate Degree
- ☐ B.A./B.S.
- ☐ Some Graduate Courses
- ☐ M.A./M.S.W.
- ☐ Ph.D./J.D.
- ☐ Other (SPECIFY) _____

3. Major Field of Study for Highest Degree

- ☐ Not Applicable
- ☐ Criminal Justice
- ☐ Social Work
- ☐ Social Sciences/Education
- ☐ Humanities
- ☐ Public Administration/Business Administration
- ☐ Medicine/Nursing
- ☐ Law
- ☐ Other (SPECIFY) _____

4. Age

- ☐ Under 24
- ☐ 25 - 29
- ☐ 30 - 34
- ☐ 35 - 39
- ☐ 40 - 44
- ☐ 45 - 49
- ☐ 50+

5. Sex

- ☐ Female
- ☐ Male

6. Race/Ethnicity

- ☐ White
- ☐ Black
- ☐ Hispanic
- ☐ Other

7. Marital Status

- ☐ Single (Never married)
- ☐ Married
- ☐ Widowed
- ☐ Separated/Divorced

8. Number of Dependent Children Living at Home (ENTER NUMBER)

- ☐ None
- ☐ Under 5 Years
- ☐ 5 - 10 years
- ☐ 11 - 17 years
- ☐ 18 years and over

9. Spouse's Occupation (IF APPLICABLE, SPECIFY)

10. Father's Educational Background

- ☐ Some High School
- ☐ High School/G.E.D.
- ☐ Some College
- ☐ B.A./B.S.
- ☐ M.A.
- ☐ Ph.D.
- ☐ Other (SPECIFY) _____

11. Father's Occupation (SPECIFY)

12. Mother's Educational Background

- ☐ Some High School
- ☐ High School/G.E.D.
- ☐ Some College
- ☐ B.A./B.S.
- ☐ M.A.
- ☐ Ph.D.
- ☐ Other (SPECIFY) _____

13. Mother's Occupation (SPECIFY)

14. Number of Relatives Employed in Corrections

- ☐ None
- ☐ One
- ☐ Two
- ☐ Three
- ☐ Four or more

SECTION II: PRESENT POSITION

1. In addition to passing any qualifying examination, how did you get this position? (CHECK (X) ONE RESPONSE ONLY.)

- ☐ Self-initiated request/formal application
- ☐ Management-initiated request to take the position/
- ☐ Personal intervention of a "sponsor"
- ☐ Arbitrary administrative transfer/reassignment

2. In what type of agency are you employed?

☐ (CODE NUMBER)

3. In what job category is your present position?

☐ (CODE NUMBER)

4. What kind of training did you receive during the first six months in the job?

- ☐ None
- ☐ None - already had sufficient training
- ☐ On-the-job training only
- ☐ Both on-the-job training and some formal training

5. How helpful was this training in preparing you to carry out your responsibilities in this position?

- ☐ Not applicable
- ☐ Very helpful
- ☐ Somewhat helpful
- ☐ Not very helpful
- ☐ Not helpful at all

6. Since the first six months, what formal training have you received from the Division/Agency during the time you have been in this position?

- ☐ None
 - ☐ Job-enrichment training
 - ☐ Promotion-oriented training
 - ☐ Both forms of training
 - ☐ Other (SPECIFY) _____
-

7. How many hours of education/training are you required to take each year in this position?

☐ None
☐ (SPECIFY) _____

8. How many hours of education/training have you taken on your own initiative since you have been in this position?

☐ None
☐ (SPECIFY) _____

9. In general, how satisfied are you with your present position?

☐ Very satisfied
☐ Somewhat satisfied
☐ Somewhat dissatisfied
☐ Very dissatisfied

10. What are the TWO most attractive aspects of this job?

☐ Diversity/challenge of the work
☐ Workload
☐ Relationships with "clients"
☐ Relationships with co-workers
☐ Relationships with supervisor(s)
☐ Salary, benefits, etc.
☐ Working hours
☐ Other (SPECIFY) _____

11. What are the TWO most unattractive aspects of this job?

☐ Unchallenging nature of the work
☐ Workload
☐ Danger involved
☐ Relationships with "clients"
☐ Relationships with co-workers
☐ Relationships with supervisor(s)
☐ Salary, benefits, etc.
☐ Working hours
☐ Other (SPECIFY) _____

12. Since you have been in this job, have you received any encouragement to seek a promotion or a more responsible position?

☐ Yes
☐ No

13. From whom did this encouragement come? (CHECK (X) THOSE RESPONSES WHICH APPLY.)

☐ Not Applicable
☐ Supervisor

- 5
- ☐ Higher level manager within the agency
 - ☐ Training or Personnel officer
 - ☐ Someone influential in another agency
 - ☐ Co-worker(s)
 - ☐ Other (SPECIFY) _____
14. Have you received special recognition for your work while you have been in this job?
- ☐ No
 - ☐ Cash award(s)
 - ☐ Letter/Certificate(s) of Commendation
 - ☐ Both types of awards
 - ☐ Other (SPECIFY) _____
15. What is your present yearly salary range?
- ☐ Less than \$6,000.
 - ☐ \$6,000 - \$7,999
 - ☐ \$8,000 - \$9,999
 - ☐ \$10,000 - \$12,999
 - ☐ \$13,000 - \$15,999
 - ☐ \$16,000 - \$24,999
 - ☐ \$25,000 - \$29,999
 - ☐ \$30,000+
16. How long have you been in your present position?
- ☐ Less than 1 year
 - ☐ 1 - 2+ years
 - ☐ 3 - 5+ years
 - ☐ 6 - 9+ years
 - ☐ 10 + years
17. Since you have been in this job, have you applied for any other positions in corrections within your present job category?
- ☐ Yes
 - ☐ No
18. Since you have been in this job, have you applied for any other positions in corrections outside your present job category?
- ☐ Yes
 - ☐ No
19. What is your major reason for wanting another position in corrections?
(CHECK (X) ONE RESPONSE ONLY.)
- ☐ Have not applied for another position
 - ☐ Do not want another position
 - ☐ More responsibility/challenging work

- ☐ Better Salary
- ☐ More manageable workload
- ☐ Better working relationships
- ☐ Better working conditions
- ☐ Wider career opportunities
- ☐ Other (SPECIFY) _____

20. Please list the title and the job category code number of the positions you have applied for in corrections.

- ☐ Not applicable
- Title: _____
- Code Number: _____

- Title: _____
- Code Number: _____

- Title: _____
- Code Number: _____

21. Please list the title and the job category code number of the positions you would apply for in corrections if they were available.

- ☐ Not applicable
- Title: _____
- Code Number: _____

- Title: _____
- Code Number: _____

- Title: _____
- Code Number: _____

22. What is the title and the job category code number of the position which is your ultimate goal in corrections?

- ☐ Not applicable
- Title: _____
- Code Number: _____

23. Is this, in your opinion, a realistic goal?

- ☐ Yes
- ☐ No
- ☐ Not sure

24. What would you need to do in order to get this position?
(CHECK (X) THOSE RESPONSES WHICH APPLY.)

- ☐ Get additional training/education
- ☐ Be willing to move to a different location
- ☐ Submit formal application/Pass qualifying examination
- ☐ Make influential contacts
- ☐ Hope for a few good breaks
- ☐ Other (SPECIFY) _____

SECTION III: PREVIOUS EMPLOYMENT IN CORRECTIONS

1. What field were you in prior to being employed in corrections for the first time?

☐ Education - student
☐ Education - teacher
☐ Government Agency
☐ Military Service
☐ Private Industry
☐ Housewife
☐ Unemployed
☐ Other (SPECIFY) _____

2. What were your TWO most important reasons for taking a position in corrections?

☐ Interest in corrections and a desire to work in the field
☐ New or improved career opportunities
☐ Good salary
☐ Job security
☐ Convenience of location, hours, etc.
☐ Only suitable job available at the time
☐ Other (SPECIFY) _____

3. In addition to passing a state qualifying examination, how did you get your first position in corrections? (CHECK (X) ONE RESPONSE ONLY.)

☐ Self-initiated formal application
☐ Agency-initiated offer of a position/personal intervention of a friend
☐ Arbitrary administrative transfer/reassignment from another agency
☐ Other (SPECIFY) _____

4. Please list the title of each position you have had in corrections, the job category of the position, the type of agency in which you worked, the number of years in that position, and whether or not the change of position brought additional responsibilities.

Title	Job Category (Code #)	Type of Agency (Code #)	Number of Years	Additional Responsi- bilities
1st _____	_____	_____	_____	-----
2nd _____	_____	_____	_____	Yes No
3rd _____	_____	_____	_____	Yes No

Title	Job Category (Code-#)	Type of Agency (Code #)	Number of Years	Additional Responsi- bilities	
4th _____	_____	_____	_____	Yes	No
5th _____	_____	_____	_____	Yes	No
6th _____	_____	_____	_____	Yes	No

SECTION IV: ORGANIZATIONAL AFFILIATIONS AND CONCERNS

1. How often do you socialize outside of work with co-workers

☐ At least once a month
☐ Usually once every two or three months
☐ Once or twice a year
☐ Never

2. Please list the professional organizations you presently belong to and indicate their degree of helpfulness to you in your work.

Not applicable	Very Helpful	Somewhat Helpful	Not Very Helpful	Not At All Helpful
_____	1	2	3	4
_____	1	2	3	4
_____	1	2	3	4

3. Please list the union or unions you presently belong to and indicate their degree of responsiveness to your concerns.

Not applicable	Very Responsive	Somewhat Responsive	Not Very Responsive	Not At All Responsive
_____	1	2	3	4
_____	1	2	3	4
_____	1	2	3	4

4. Have you ever felt that you had a reason for filing a grievance?

☐ Yes
☐ No

5. In what area of employee concern was this potential grievance?

- ☐ Not applicable
- ☐ Promotions
- ☐ Salaries
- ☐ Working Conditions
- ☐ Task Assignments
- ☐ Evaluation(s) of Performance
- ☐ Other (SPECIFY) _____

6. Have you ever actually filed a grievance?

- ☐ Yes
- ☐ No

7. In what area of employee concern was this grievance?

- ☐ Not applicable
- ☐ Promotions
- ☐ Salaries
- ☐ Working Conditions
- ☐ Task Assignments
- ☐ Evaluation(s) of performance
- ☐ Other (SPECIFY) _____

8. How knowledgeable would you say you are about the grievance procedures?

- ☐ Very knowledgeable
- ☐ Somewhat knowledgeable
- ☐ Not very knowledgeable
- ☐ Not at all knowledgeable

9. Have you ever felt that you were discriminated against on the basis of sex?

- ☐ Yes
- ☐ No

10. Have you ever felt that you were discriminated against on the basis of race?

- ☐ Yes
- ☐ No

SECTION V: PERCEPTIONS OF EQUALITY IN THE WORK ENVIRONMENT

For each of the following statements, please CIRCLE the NUMBER of the response which comes closest to expressing your viewpoint.

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	Uncertain
This agency/institution has a strong record in hiring as many women for entry-level positions as men.	1	2	3	4	5
This agency/institution has a strong record in hiring as many women for higher-level positions as men.	1	2	3	4	5
This agency/institution has a strong record for promoting women to supervisory positions.	1	2	3	4	5
Women are as able to handle the responsibilities of my present position as are men.	1	2	3	4	5
In this agency/institution, women are paid "equal salaries for equivalent work."	1	2	3	4	5
In this agency/institution, women are given the same opportunities for job-enrichment training as are men.	1	2	3	4	5
In this agency/institution, women are given the same opportunities for promotion-oriented training as are men.	1	2	3	4	5
In this agency/institution, women seem to receive the same opportunities for promotion as do men.	1	2	3	4	5
In this agency/institution, women seem to receive recognition for excellence in work performance on an equitable basis with men.	1	2	3	4	5

In order to get ahead in this field, it is important to have someone in an influential position take a personal interest in your career.

In this agency/institution, women are as likely to have this kind of support as are men.

In this agency/institution, men receive "unequal" treatment because women receive preferential treatment.

<u>Strongly</u> <u>Agree</u>	<u>Somewhat</u> <u>Agree</u>	<u>Somewhat</u> <u>Disagree</u>	<u>Strongly</u> <u>Disagree</u>	<u>Uncertain</u>
---------------------------------	---------------------------------	------------------------------------	------------------------------------	------------------

1	2	3	4	5
---	---	---	---	---

1	2	3	4	5
---	---	---	---	---

1	2	3	4	5
---	---	---	---	---

SECTION VI: EXIT FROM CORRECTIONS AND RETURN

If you left the field of corrections for a period of time and returned, please complete this Section.

1. When did you leave corrections?

- ☐ After the first position
- ☐ After the second position
- ☐ After the third position
- ☐ Other: After the ___ position

2. What was your major reason for leaving corrections? (CHECK (X) ONE RESPONSE.)

- ☐ Lack of career opportunities
- ☐ Insufficient salary, unusual hours, etc.
- ☐ Unsatisfactory working relationships with "clients"
- ☐ Unsatisfactory working relationships with co-workers
- ☐ Unsatisfactory working relationship with supervisor(s)
- ☐ Dangerous nature of the work
- ☐ Heavy volume of work
- ☐ Desire to raise a family
- ☐ Desire to go to school
- ☐ Other (SPECIFY) _____

3. What was your major reason for returning to corrections? (CHECK (X) ONE RESPONSE.)

- ☐ Interest in corrections and a desire to work in the field again
- ☐ New or improved career opportunities
- ☐ Good salary
- ☐ Desire to renew working relationships
- ☐ Convenience of location, hours, etc.
- ☐ Other (SPECIFY) _____

4. How were you able to return to corrections? (CHECK (X) ALL THOSE RESPONSES WHICH APPLY.)

- ☐ Qualifying examination scores
- ☐ Self-initiated request/formal application
- ☐ Agency-initiated offer of a position
- ☐ Personal intervention of a friend
- ☐ Other (SPECIFY) _____

INTERVIEW QUESTIONS

1. Given the purpose of this study, are there any areas that were not covered by the questionnaire which you feel we should be aware of in order to get an accurate picture of women employed in the field of corrections?
2. Are there any programs or policies you are aware of that are particularly helpful in encouraging women to work in corrections? That are helpful to women in acquiring promotions?
3. Given the number of women employed in corrections, there are very few in higher-level, policy-making positions. Why do you think this is so?
4. Would you encourage a friend to take a job like yours in corrections? What advice would you give your friend if he or she decided to take such a position?
5. If you were in a position to make some changes in the Department or in this agency, what would you change?
6. Are there any areas in which women and men seem to be treated differently?
7. Some women have mentioned to us that dealing with "harassment" has been a problem for them in working in corrections. Have you ever experienced this problem?
8. To whom do you go when you have a (work-related) problem which you need to discuss with someone? What kind of problems do you most often encounter in the course of a typical day?
9. Would you say that the women that you work with provide a support group for one another?
10. How do you feel about your future in the field of corrections? What are your goals? How long do you intend to remain in the field? How important is it to have someone with some influence take a personal interest in your career? What, if any, are the problems involved in this?
11. If you could have any job in any field, what would you most like to do?

National Institute of Justice

James K. Stewart

Director

**National Institute of Justice
Advisory Board**

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Public Figure Protection
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San Diego, Calif.

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Robinson Professor of Law
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Mitch McConnell
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California Supreme Court
San Francisco, Calif.

Bishop L. Robinson
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